



Journal of the Senate

Number 22

Thursday, May 24, 1984

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

Mr. President	Fox	Jenne	Neal
Barron	Frank	Jennings	Plumree
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	

Excused: Senator Myers until 11:40 a.m.; Senator Malchon from 2:00 to 5:00 p.m.; periodically Senators Neal, Scott, Thomas, Beard, Hair, Gordon, Castor, Kirkpatrick, Vogt, Grizzle, Margolis and Crawford, conferees and alternates on the General Appropriations Bill, the education package and implementing bills.

Prayer by Father J. Patrick Byrne, Chaplain, V. A. Medical Center, Miami:

O God, who alone is the kingdom, power and the glory; who has ordained human government for the temporal welfare of mankind, we ask you to give a succession of legislators and executors who are aware of the wisdom of the kingdom of God. Endow all members of government with a right understanding, a pure purpose; enable them to rise above all self-seeking into the larger sentiments of public good and human brotherhood. Purge our political life of all evil. Make us love peace and fair dealing. Inspire us with calmness and self-restraint. Endeavor to further the doing of your will everywhere upon the earth.

And since Memorial Day is Monday, let us remember and pray, O Lord, for the devoted sacrifice of your servants who have laid down their lives that we might live. Into your holy keeping we commend their souls and humbly pray that we, like they, may give and never count the cost; fight and never heed the wounds; toil and never seek for rest; labor and ask no reward save the knowledge that we do your will. Amen

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 24, 1984: CS for SB's 923, 836, 1081 and 884; CS for CS for SB 754, CS for CS for HB 1187, CS for CS for SB 1059, CS for CS for SB 1039, CS for SB's 1040 and 788, CS for SB 986, CS for CS for SB 803, CS for SB 329, CS for HB 798, CS for SB 29, CS for SB 100, SB 980, CS for SB 150, SB 156, SB 263, CS for SB 342

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday afternoon May 24, 1984: SB 1127, CS for HB 142, SB 931, SB 957, SB 777, CS for SB 716, CS for SB 390, CS for SB 255, SB 259, SB 664, SB 102, SB 206, SB 232, CS for SB 35, CS for SB 223, CS for SB 242, CS for SB 278, SB 667, CS for SB 399, SB 476, SB 562, CS for SB 579, SB 665, CS for SB 706, CS for SB 707, CS for SB 709, SB 805, SB 417, SB 459

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary-Civil recommends the following pass: HB 618

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary-Civil recommends the following pass: HB 248 with 3 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 14, CS for SB 157 with 4 amendments, SB 245 with 2 amendments, SB 259 with 2 amendments, SB 287, SB 684 with 2 amendments, SB 850 with 2 amendments, SB 918 with 1 amendment, HB 508, HB 619 with 2 amendments

The bills were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 1006

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 913

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: CS for SB 550

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 75

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: SB 304, SB 799

The bills with committee substitutes attached were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1020

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 1038

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: Senate Joint Resolutions 1, 13, 71, 745 and 1044

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 803, CS for SB 1039, CS for SB 1059, SB 869, SB 540, CS for SB 1030, CS for SB 944

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 58, SB 541, SB 1018

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: Senate Bills 306 and 1126

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 24, 1984

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 8, 34, 49, 51, 64, 83, 217, 261, 370, 385, 445, 472, 479, 510, 536, 537, 539, 627, 685, 689, 933, 970, 971, 1004, 1015; House Bills 274, 698, 727

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bill 634; House Bills 11, 1151,

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 688, 720, 1005; House Bills 36, 371, 1036

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators McPherson, Johnston, Scott and Weinstein—

SB 1142—A bill to be entitled An act relating to the Port Everglades District; continuing the existence of the district; providing legislative intent; specifying membership, terms, powers, and duties of the port commission; designating a port jurisdictional area and specifying powers of the district therein; providing for meetings and quorum; providing for a port director and specifying powers and duties thereof; providing for bonds and ad valorem taxation; providing for leases; repealing ch. 59-1157, 61-1956, 61-1958, 63-1173, 65-1318, 65-1344, 67-1162, 67-1166, 69-890, 69-891, 69-897, 70-612, 71-570, 71-571, 71-572, 71-573, 71-579, 72-487, 73-416, 73-417, 73-418, 74-441, 75-352; 76-335, 76-340, 77-509, 77-510, 77-511, 80-465, 81-352, 81-353, 82-270, 82-271, 82-272, and 83-377, Laws of Florida, relating to the Port Everglades Authority and the Port Everglades District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Senator Kirkpatrick—

SR 1143—A resolution commending Robert Quarles Marston upon his retirement as President of the University of Florida.

—was referred to the Committee on Rules and Calendar.

By Senators Crawford and Peterson—

SR 1144—A resolution commending the management of Lake Kissimmee State Park for its preservation of a reconstructed herd of scrub cattle.

—was referred to the Committee on Rules and Calendar.

SR 1145 was introduced and adopted May 23.

By Senator Henderson—

SR 1146—A resolution commending shoe shine persons.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

SR 1147—A resolution commending the Eustis High School football team for its 1983 football season.

—was referred to the Committee on Rules and Calendar.

By Senators Frank, Castor and Beard—

SB 1148—A bill to be entitled An act relating to Hillsborough County; amending s. 2, chapter 80-510, Laws of Florida; changing the composition of the Hillsborough County Hospital Authority governing board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Jenne, Johnston, McPherson, Weinstein and Scott—

SB 1149—A bill to be entitled An act relating to Broward County; amending s. 7, chapter 61-2056, Laws of Florida, as amended; specifying

boundaries of the Town of Davie; dissolving the City of Hacienda Village; transferring assets and obligations of the dissolved city to the Town of Davie; preserving zoning of the dissolved city; repealing chapter 78-515, Laws of Florida, relating to the boundaries of the dissolved city; providing for referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Finance, Taxation and Claims; and Senators Castor, Myers, Langley, Malchon, Margolis, McPherson, Carlucci, Deratany, Dunn, Frank, Henderson, Jennings and Weinstein—

CS for SJR's 1, 13, 71, 745, and 1044—A joint resolution proposing amendments to sections 3, 4, and 6, Article VII of the State Constitution, relating to ad valorem taxation.

By the Committee on Judiciary-Civil and Senator Frank—

CS for SB 58—A bill to be entitled An act relating to anatomical transfers; amending s. 732.912, F.S., expanding the list of persons who may make an anatomical gift to include a representative ad litem appointed by a court of competent jurisdiction; establishing duties for the representative ad litem; providing for notice to certain persons; requiring that a reasonable search be made for objections on religious grounds; providing an effective date.

By the Committee on Appropriations and Senators Neal, Grizzle, Henderson, McPherson, Mann, Gersten, Jenne and Johnston—

CS for SB 304—A bill to be entitled An act relating to manatees and other marine mammals; amending s. 327.25, F.S.; providing for part of the annual distribution of funds collected from the registration of boats to be used for the protection and recovery of such marine mammals; allowing applicants for boat registrations to make voluntary contributions for manatee protection; amending ss. 327.28, 370.12, F.S.; requiring that a portion of the Motorboat Revolving Trust Fund be used for manatee and marine mammal protection and recovery and other specified uses; providing for the reduction of the annual allocation upon the occurrence of certain events; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Neal, Mann, McPherson, Grizzle and Kirkpatrick—

CS for SB's 306 and 1126—A bill to be entitled An act relating to aquatic preserves; creating s. 258.393, F.S.; creating the Terra Ceia Aquatic Preserve in Manatee County and including it in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975; prescribing boundaries; amending s. 258.39, F.S.; expanding the boundaries of the Rookery Bay Aquatic Preserve; providing exemptions for discharge activities; directing the Department of Natural Resources to review the boundaries of the proposed Florida Keys - Monroe County Aquatic Preserve and make recommendations to the Legislature; providing an effective date.

By the Committee on Appropriations and Senator Thurman—

CS for SB 540—A bill to be entitled An act relating to auctions; providing definitions; providing certain exemptions from regulation; creating the Florida Auctioneers Commission; providing membership requirements; providing duties and powers; providing immunity for certain acts of the commission; establishing licensure requirements, qualifications, and procedures for auctioneers, apprentices, and auction businesses; requiring certain bonds; prohibiting certain local fees and licenses; providing reciprocity for certain nonresidents; establishing requirements for conducting certain auctions; requiring written agreements; providing exemptions from such agreement requirement; requiring the maintenance of certain records; requiring license display; establishing advertising requirements; prohibiting certain acts and providing penalties; establishing a complaint process; providing an examination exception for certain persons; providing for compensation and reimbursement to commission members; providing for future review and repeal; providing an effective date.

By the Committee on Judiciary-Civil and Senator Grant—

CS for SB 541—A bill to be entitled An act relating to public officers; amending s. 111.011, F.S.; providing clarifying language; specifying the date by which certain statements of contributions are to be filed; amend-

ing s. 112.3143, F.S.; providing a definition; amending s. 112.3145, F.S.; requiring certain officials or public bodies to notify new appointees of certain disclosure requirements; amending s. 112.3241, F.S.; removing specific authority for district courts of appeal to stay the Governor's power to suspend certain officers or employees; providing an effective date.

By the Committees on Natural Resources and Conservation; Economic, Community and Consumer Affairs; and Senators Dunn, Neal, Mann, McPherson, Stuart, Myers, Frank, Jennings, Henderson, Castor, Malchon, Jenne, Hair, Meek, Margolis, Kirkpatrick, Gersten, Carlucci, Hill and D. Childers—

CS for CS for SB 550—A bill to be entitled An act relating to state and regional planning; providing a short title; creating s. 23.01, F.S.; providing legislative findings and intent; amending s. 23.0112, F.S.; providing definitions; creating s. 23.01131, F.S.; granting certain powers and responsibilities relating to state and regional planning to the Executive Office of the Governor; amending s. 23.0114, F.S.; providing for the preparation of the state comprehensive plan and providing certain content thereof; providing restrictions upon capital outlay recommendations to the Legislature; amending s. 23.013, F.S.; requiring the Executive Office of the Governor to prepare a proposed state comprehensive plan and providing for its adoption; providing for legislative implementation and for administrative action in the absence of legislative action; providing for implementation of the plan; creating s. 23.0131, F.S.; requiring state agencies to adopt state agency functional plans; creating s. 23.0132, F.S.; requiring state agencies to prepare state agency functional plans consistent with the state comprehensive plan; providing for review thereof; providing for resolution of disputes; amending s. 23.015, F.S.; changing the purposes of the Governor's annual report of the state's economic condition; amending s. 160.002, F.S.; designating regional planning councils as the primary organizations for certain purposes; amending s. 160.01, F.S.; requiring county membership in regional planning councils; amending s. 160.02, F.S.; providing for technical assistance by regional planning councils; amending s. 160.07, F.S.; changing requirements and adoption procedures for comprehensive regional policy plans; creating s. 160.072, F.S.; requiring certain review of such plans prior to adoption; creating s. 160.074, F.S.; providing for the mediation of conflicts; creating s. 160.076, F.S.; providing for periodic evaluation of such plans; creating the Growth Management Trust Fund and providing its purposes; repealing ss. 23.0115, 23.012, 23.0125, 23.014, 23.016, 23.0161, and 23.017, F.S.; deleting provisions relating to the specification of data in the state comprehensive plan, to certain general powers and duties of the Executive Office of the Governor, to the development of certain environmental data, and to the preparation of the annual development program; deleting provisions relating to certain special reports of the Executive Office of the Governor and to required annual progress reports on state and regional planning; deleting authority to contract for assistance in preparation of reports; repealing s. 160.003(6), F.S.; deleting the definition of the Department of Community Affairs in provisions relating to regional planning councils; providing an effective date.

By the Committee on Appropriations and Senator Plummer—

CS for SB 799—A bill to be entitled An act relating to business entities; amending s. 607.137, F.S., providing that dividends may be declared and paid in cash out of the current value of the net assets of a corporation; amending s. 607.361, F.S., increasing the filing fee for annual reports by corporations; amending s. 620.02, F.S., deleting certain recording requirements upon persons desiring to form a limited partnership; specifying certain fees applicable to such partnerships; amending s. 620.31, F.S., authorizing the revocation of certificates of limited partnerships; providing restrictions and liabilities upon limited partnerships without subsisting certificates; providing for reinstatement of certificates; amending s. 620.32, F.S., changing the distribution of moneys collected from such partnerships; creating s. 620.33, F.S., providing annual report requirements; amending s. 620.44, F.S., conforming fees for foreign limited partnerships to those for domestic limited partnerships; repealing s. 620.45, F.S., removing provisions which require foreign limited partnerships to file amendments to their certificates with the Department of State; providing an effective date.

By the Committees on Appropriations; Natural Resources and Conservation; and Senators Crawford, Mann, Kirkpatrick, McPherson, Grizzle and Henderson—

CS for CS for SB 803—A bill to be entitled An act relating to land reclamation and acquisition; amending s. 378.031, F.S.; providing legisla-

tive intent; creating ss. 378.032-378.038, F.S.; providing definitions; creating the Nonmandatory Land Reclamation Committee; providing application procedures; providing powers and duties of the Department of Natural Resources; providing for land acquisitions; providing responsibilities and duties of the Comptroller; providing rulemaking authority; amending s. 211.3103, F.S., relating to the excise tax on the severance of phosphate rock; revising the date after which the base rate is reduced under certain circumstances; amending s. 253.023, F.S.; increasing the limitation on the amount of money which may be credited to the Conservation and Recreation Lands Trust Fund; providing for the acquisition of inholdings or additions to existing projects; providing for repeal and review pursuant to the Sundown Act; amending s. 125.01, F.S.; providing for county use of ad valorem tax revenue to purchase certain lands; amending s. 253.01, F.S.; providing for the placement of certain fees into the Internal Improvement Trust Fund; amending s. 253.025, F.S.; providing for the waiver of acquisition procedures under certain circumstances; providing for the confidentiality of certain appraisal reports; providing for the release of appraisal reports under certain circumstances; providing for final offers in the form of option contracts; amending s. 375.031, F.S.; providing for disclosure of certain financial transactions; providing for option contracts; amending s. 380.08, F.S.; providing for disclosure of certain financial transactions; providing an effective date.

By the Committees on Appropriations, Transportation and Senators Plummer, Malchon and Rehm—

CS for SB 869—A bill to be entitled An act relating to rail transportation; creating ss. 341.301-341.303, F.S.; establishing the role of the Department of Transportation in rail transportation; providing definitions; providing duties and responsibilities of the department; providing that appropriation requests shall be based on funding required for implementation of the rail component of the 5-year transportation plan; providing for project eligibility; providing levels of state participation in eligible capital and service development projects; providing an effective date.

By the Committee on Judiciary-Civil and Senator Scott—

CS for SB 913—A bill to be entitled An act relating to the judiciary; amending ss. 26.031 and 34.022, F.S.; providing for additional judges in specified circuits and counties; providing for election; providing an effective date.

By the Committees on Appropriations, Transportation and Senator Beard—

CS for CS for SB 944—A bill to be entitled An act relating to public transportation; creating the "Florida High Speed Rail Transportation Commission Act"; providing legislative findings, statement of policy, purpose, and intent; providing definitions; providing for the creation of the Florida High Speed Rail Transportation Commission; providing general and special powers and duties thereof; providing for the sole and exclusive determination of need for high speed rail transportation systems; providing for service designation and system termini; providing for bonds and project financing; providing a penalty; prohibiting the pledge of full faith and credit by the state; providing for franchises and audits; providing for the powers and duties of the Department of Transportation; providing for the powers and duties of the Governor and Cabinet sitting as a sitting board with respect to high speed rail lines; providing for the powers and duties of the Department of Environmental Regulation and the Department of Community Affairs; providing for the applicability of the act and for franchises and certification components; providing for requests for proposals; providing for franchise applications; providing fees; providing for notice of intent; providing for a franchise and environmental review committee; providing for the powers and duties of hearing officers; providing for local government hearings; providing for reports and studies; providing for notice, proceedings, parties, and participants; providing for alternate corridors; providing for the final disposition of certification applications; providing for modification of a franchise; providing for the assessment of the franchise component; providing for conditions precedent to the award of a franchise; providing for the effect of a franchise; providing for the recording of notice of a certified corridor route; providing for revocation or suspension of a franchise; providing for the imposition of administrative fines; providing for superseded laws, regulations, and certification power; providing that certification is admissible in eminent domain proceedings; providing for participation by women and socially and economically disadvantaged individuals; amending s. 110.205, F.S.; providing exemptions from career service; providing for ad valorem taxation of certain property; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Malchon—

CS for SB 1006—A bill to be entitled An act relating to ad valorem tax relief; creating part II of ch. 196, F.S.; providing for relief from ad valorem taxes by means of grants to qualified households; providing definitions and procedures; providing for administration by the Department of Revenue; providing penalties; providing for confidentiality; providing an appropriation; amending s. 200.065, F.S., providing for the averaging of taxable values over a 5-year period beginning with the 1986 tax roll; creating the Tax Study Commission of 1984; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Civil and Senator Gersten—

CS for SB 1018—A bill to be entitled An act relating to process and service of process; amending s. 48.031, F.S.; providing for service of process in criminal cases on law enforcement officers or certain public employees; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Neal, Henderson and Castor—

CS for SB 1020—A bill to be entitled An act relating to water resources; amending s. 373.044, F.S.; providing that water management district personnel rules shall be made available to the public as specified; amending s. 373.0693, F.S.; specifying the official headquarters of basin board members; providing a retroactive effective date; creating s. 373.0698, F.S.; providing that ss. 373.0693-373.0697, F.S., govern the creation and operation of basin boards; amending s. 373.079, F.S.; specifying the official headquarters of the water management district governing board members; providing a retroactive effective date; specifying authorized use of charter aircraft; providing for the delegation of certain board powers to the executive director; amending s. 373.085, F.S.; providing restrictions on the use of works or land of a water district; providing for certain public access to the ocean; amending s. 373.109, F.S.; amending the conditions for establishing permit application fees; allowing denial of a permit for failure to pay such fees; amending s. 373.129, F.S.; allowing specified entities to maintain legal actions for certain costs and attorney's fees and for civil penalties; providing for the deposit of such penalties into a trust fund as specified; amending s. 373.246, F.S.; modifying the procedures and conditions for declaration of a water shortage or emergency; amending s. 373.106, F.S.; correcting a reference; amending s. 373.333, F.S.; transferring authority to issue orders regarding wells to the water management districts; amending s. 373.423, F.S.; deleting annual dam inspection requirements; providing for employment of internal auditors; repealing ss. 5, 6, 7(2), 8, and 9, chapter 61-691, Laws of Florida, relating to the creation of the Southwest Florida Water Management District; providing an effective date.

By the Committees on Appropriations and Transportation—

CS for CS for SB 1030—A bill to be entitled An act relating to public transportation; amending s. 341.011, F.S.; correcting a cross-reference; repealing s. 341.021, F.S., relating to legislative intent; amending s. 341.031, F.S.; correcting a cross-reference; providing definitions; amending s. 341.041, F.S.; providing responsibilities of the Department of Transportation; amending s. 341.051, F.S.; providing for project eligibility for funding; providing limitations on state participation in transit projects not approved for federal funding; providing for the advance of state funds to assist transit systems to become self-sufficient; providing for state participation in service development projects or transit urban corridor projects; providing for increases in the duration of such service development projects; creating s. 341.061, F.S.; providing for minimum safety standards for bus transit and fixed guideway transit systems; providing for the inspection of bus transit systems and safety reviews of fixed guideway public transit systems; amending s. 341.101, F.S.; amending the scope of "municipal purpose" for state purchase of mass transit vehicles and facilities; amending s. 341.102, F.S.; substituting "local government entity" for county or municipality; providing an effective date.

By the Committee on Appropriations and Senator Scott—

CS for SJR 1038—A joint resolution proposing an amendment to Section 3, Article V of the State Constitution, relating to the organization of the Supreme Court.

By the Committees on Appropriations; and Natural Resources and Conservation—

CS for CS for SB 1039—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S.; adding definitions; amending s. 487.041, F.S.; providing for emergency exemptions; providing data requirements for registration of pesticides; conforming provisions relating to hearing requests to provisions of the Administrative Procedure Act; clarifying special local need registration requirements; providing notification procedures; creating s. 487.055, F.S.; providing antisiphon requirements; amending s. 487.071, F.S.; including rules adopted under chapter 487 and labeling requirements within provisions relating to enforcement, inspection, sampling, and analysis; amending s. 487.091, F.S.; establishing an administrative fine and providing for criminal penalties; amending s. 487.0615, F.S.; increasing the membership and expanding the purview of the Pesticide Review Council; establishing a grant program for assisting privately owned drinking water wells contaminated by the state application of ethylene dibromide; creating a Toxicological Research Coordinating Committee; describing the powers and duties of the committee; establishing a data bank; providing an appropriation; providing effective dates.

By the Committees on Appropriations; and Natural Resources and Conservation—

CS for CS for SB 1059—A bill to be entitled An act relating to pollution control; amending s. 376.11, F.S.; correcting a cross-reference; restricting certain expenditures from the Florida Coastal Protection Trust Fund; amending s. 376.30, F.S.; correcting cross-references; amending s. 376.301, F.S.; correcting cross-references; providing definitions; amending s. 376.303, F.S.; limiting certain Department of Environmental Regulation powers; amending ss. 376.302, 376.305, F.S.; correcting cross-references; amending s. 376.307, F.S.; providing for administration of the Water Quality Assurance Trust Fund; providing a statute of limitations for certain causes of action; correcting cross-references; amending s. 376.308, F.S.; providing liabilities and defenses of facilities; correcting a cross-reference; amending s. 376.309, F.S.; correcting cross-references; amending s. 376.313, F.S.; providing that certain remedies are nonexclusive and establishing an individual cause of action for damages; correcting cross-references; amending s. 376.315, F.S.; correcting cross-references; creating s. 376.317, F.S.; preempting to the state the regulation of prevention and removal of certain pollutant discharges; providing an exception; amending s. 377.22, F.S.; authorizing the Department of Natural Resources to regulate certain tanks to protect water resources; providing an effective date.

Senator Gordon presiding

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 138

April 23, 1984

The Honorable Curtis Peterson
President of the Senate

The Honorable H. Lee Moffitt
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Senate Bill 138, same being:

A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S.; clarifying references to the age of the victim; providing penalties; tolling the statute of limitations in specified circumstances; creating s. 794.023, F.S.; providing findings and intent; providing enhanced penalties for acts of sexual battery committed by more than one person; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses, as follows:

1. That the House of Representatives recede from its amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

3. That the Senate and House of Representatives pass Senate Bill 138 as amended by said Conference Committee amendments.

Robert B. Crawford, Co-Chairman
Betty Castor
Roberta Fox
Managers on the part
of the Senate

Elvin L. Martinez, Co-Chairman
Elaine Gordon
Frank S. Messersmith
Managers on the part
of the House

STATEMENT OF CONFERENCE COMMITTEE REPORT
ON SENATE BILL 138

The managers on the part of the Senate at the conference on the disagreeing votes of the two houses on Senate Bill 138 and the House amendments thereto submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the Conference Report:

1. *Mental Defect*

The House amendments removed consent as a necessary element in a sexual battery case involving a mentally defective victim over 12 years of age.

The conference amendment provides that evidence of mental incapacity or defect shall be admissible to prove that consent is not intelligent, knowing, or voluntary and the court shall instruct the jury accordingly.

2. *Age Reference Clarification*

Both the Senate bill and the House amendments conformed current law to the Florida Supreme Court's holding in *Hansen v. State*, 421 So.2d 504 (Fla. 1982), which held that "11 years of age or younger" covered a child up until but not including his or her 12th birthday under the sexual battery statute.

The conference amendment makes the technical age conforming changes as made in the Senate bill.

3. *Familial or Custodial Authority*

The House amendments removed consent as an issue in a sexual battery case involving a victim over 12 but less than 18 years of age when the offender was in familial or custodial authority. The amendments created two new first degree felony offenses prohibiting the actual engaging in or soliciting of "sexual activity" (same definition as sexual battery plus masturbation).

The conference amendment reduces the felony classification of solicitation from a first degree to a third degree felony. The conference amendment also removes the word "masturbation" from the definition of sexual activity because it is already covered by such definition, and removal will prevent a possible misinterpretation of the current definition of sexual battery.

4. *Duty to Report*

House Bill 542 made it a second degree misdemeanor to fail to seek assistance through the immediate notification of law enforcement whenever a person had reasonable grounds to believe he had observed the commission of enumerated forcible felonies. The notification requirement applied only to persons who had a present ability to seek assistance, who were not related to the offender within a certain degree, or who would not expose themselves to physical danger by seeking assistance.

The conference amendment adopts the House bill with the following changes: applies the reporting requirement only to cases of sexual battery; raises the penalty from a second degree misdemeanor to a first degree misdemeanor; and exempts from the reporting requirement persons related to the victim, as well as the offender.

5. *Gang Rape*

The Senate bill and House amendments provided for enhanced penalties when a sexual battery constituting a first or second degree felony was committed by more than one person during the commission of the offense.

The conference amendment makes a technical change by substituting the phrase "during the same criminal transaction or epi-

sode" for the phrase "in the course of the defendant's offense." In addition, the conference amendment expressly provides that it be charged and proven by the prosecution that acts of sexual battery were committed by more than one person.

6. *Lanier Problem*

In *Lanier v. State*, 443 So.2d 178 (Fla. 3d DCA 1983), the court found that the statute prohibiting lewd and lascivious conduct with children under the age of 14 years did not prohibit acts of sexual intercourse between an adult and an unchaste, consenting child. The court also expressed the opinion that where a victim is 12 but less than 14 years of age, the victim's consent was a defense to the crime of lewd and lascivious handling, fondling, or assault of a child. The House amendments covered the factual circumstances of *Lanier* by amending section 794.05, Florida Statutes, commonly known as "statutory rape."

The conference amendment addresses the problems created by *Lanier* by providing that the crime of lewd and lascivious handling, fondling, or assault of a child includes sexual intercourse and other acts defined as sexual battery, without regard to either the victim's consent or chastity. The conference amendment also raises the age of victims covered under this statute from under 14 years of age to under 16 years of age.

7. *Statute of Limitations*

The Senate bill extended the statute of limitations for certain misdemeanor and felony sexual offenses committed upon persons under the age of 18 years. Basically, under the Senate bill the limitations period would not begin to run for such crimes until the child reached the age of 18 or the violation was reported to a law enforcement or other governmental agency, whichever occurred first.

The conference amendment reduces the applicable age of the victim to under 16 years and provides that the limitations period will not begin to run until the child reaches 16 years of age or until the violation is reported, whichever occurs first. The provision covers only the following felonies: sexual battery; statutory rape; lewd and lascivious handling, fondling, or assault upon a child; and incest. Since the statute could also begin to run by the reporting of a violation, the conference amendment requires a report to be relayed by the receiving agency to the appropriate state attorney for potential prosecution.

8. *Sexual Abuse Victim Interviews*

Committee substitute for Senate Bills 890 and 891 contained a provision requiring the chief judge of each judicial circuit, after consulting with the state attorney, sheriff, public defender, and other appropriate persons, to limit by rule the number of interviews a child abuse or sexual abuse victim under 12 years of age would have to submit to for law enforcement or discovery purposes.

The conference amendment contains the same provision, except it requires the chief judge to provide by order, rather than rule, reasonable limits on the number of interviews, and it raises the age of the victim from under 12 years of age to under 16 years of age.

Conference Committee Amendment 1—On pages 1-5, strike everything after the enacting clause and insert:

Section 1. Section 794.011, Florida Statutes, is amended to read:

794.011 Sexual battery.—

(1) Definitions:

(a) "Offender" means a person accused of a sexual offense.

(b) "Mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered

to that person without his or her consent or due to any other act committed upon that person without his or her consent.

(d) "Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.

(e) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(f) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery shall not include acts done for bona fide medical purposes.

(g) "Victim" means the person alleging to have been the object of a sexual offense.

(h) "Consent" means intelligent, knowing, and voluntary consent and shall not be construed to include coerced submission. *Evidence of the victim's mental incapacity or defect is admissible to prove that the consent was not intelligent, knowing, or voluntary, and the court shall instruct the jury accordingly.*

(2) A person 18 years of age or older who commits sexual battery upon, or injures the sexual organs of, a person *less than 12 11* years of age ~~or younger~~ in an attempt to commit sexual battery upon said person commits a capital felony punishable as provided in ss. 775.082 and 921.141. If the offender is under the age of 18, that person shall be guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who commits sexual battery upon a person *12 years of age or older over the age of 11 years*, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury shall be guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who commits sexual battery upon a person *12 years of age or older over the age of 11 years*, without that person's consent, under any of the following circumstances shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

- (a) When the victim is physically helpless to resist.
- (b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute these threats.
- (c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute these threats in the future. "Retaliation," as used in this section, includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- (d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.

~~(e) When the victim is older than 11 but less than 18 years of age and the offender is in a position of familial, custodial, or official authority over the victim and uses this authority to coerce the victim to submit.~~

(e)(f) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.

(5) A person who commits sexual battery upon a person *12 years of age or older over the age of 11 years*, without that person's consent, and in the process thereof uses physical force and violence not likely to cause serious personal injury shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 794.012, Florida Statutes, is created to read:

794.012 Prohibited acts; persons in familial or custodial authority; penalties.—

(1) For purposes of this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

(2) Any person who stands in position of familial or custodial authority to a child 12 years of age or older but less than 18 years of age and who:

- (a) Solicits that child to engage in sexual activity shall be guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (b) Engages in sexual activity with that child shall be guilty of a felony of the first degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (3) The willingness or consent of the child shall not be a defense to prosecution under this section.

Section 3. Section 794.013, Florida Statutes, is created to read:

794.013 Duty to report.—Whoever observes the commission of a crime of sexual battery and who:

- (1) Has reasonable grounds to believe that he has observed the commission of any such sexual battery;
- (2) Has the present ability to seek assistance for the victim or victims by immediately reporting such offense to a law enforcement officer;
- (3) Fails to seek such assistance;
- (4) Would not be exposed to any threat of physical violence for seeking such assistance;
- (5) Is not the husband or wife, parent or grandparent, child or grandchild, or brother or sister, by consanguinity or affinity to the offender or victim; and
- (6) Is not the victim of such sexual battery

shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Section 794.023, Florida Statutes, is created to read:

794.023 Multiple perpetrators; enhanced penalties.—

(1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents great danger to the public and is extremely offensive to civilized society. It is therefore the intent of the Legislature to provide enhanced penalties for acts of sexual battery committed by more than one person.

(2) The penalty for a violation of s. 794.011 shall be increased as provided in this subsection if it is charged and proven by the prosecution that during the same criminal transaction or episode more than one person committed an act of sexual battery on the same victim.

- (a) A felony of the second degree shall be punishable as if it were a felony of the first degree.
- (b) A felony of the first degree shall be punishable as if it were a life felony.
- (c) This subsection does not apply to life felonies or capital felonies.

Section 5. Section 800.04, Florida Statutes, is amended to read:

800.04 Lewd, lascivious or indecent assault or act upon or in presence of child.—Any person who shall:

- (1) Handle, fondle or make an assault upon any child under the age of 16 ~~14~~ years in a lewd, lascivious or indecent manner;
- (2) *Commit an act defined as sexual battery under s. 794.011(1)(f) upon such child; or who shall*
- (3) Knowingly commit any lewd or lascivious act in the presence of such child;

~~without committing the crime of the intent to commit~~ sexual battery shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084. *Neither the victim's lack of chastity nor the victim's consent is a defense to the crime proscribed by this section.*

Section 6. Section 775.15, Florida Statutes, is amended to read:

775.15 Time limitations.—

(1) A prosecution for a capital or life felony may be commenced at any time. In the event the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony of the first degree must be commenced within 4 years after it is committed.

(b) A prosecution for any other felony must be commenced within 3 years after it is committed.

(c) A prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed.

(d) A prosecution for a misdemeanor of the second degree or a non-criminal violation must be commenced within 1 year after it is committed.

(e) A prosecution for a violation of part I of chapter 517 must be commenced within 5 years after the violation is committed.

(3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for:

(a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within 1 year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than 3 years.

(b) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment, within 2 years from the time he leaves public office or employment, or during any time permitted by any other part of this section, whichever time is greater.

(4) An offense is committed either when every element has occurred or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(5) A prosecution is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended 3 months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than 3 years.

(7) *If the victim of a violation of s. 794.011, s. 794.05, s. 800.04, or s. 826.04 is under the age of 16, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement or other governmental agency, whichever occurs earlier. Such law enforcement or other governmental agency shall promptly report such allegation to the state attorney for the judicial circuit in which the alleged violation occurred.*

Section 7. Child abuse and sexual abuse victims under age 16; limits on interviews.—The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall provide by order reasonable limits on the number of interviews a victim of a violation of s. 794.011, s. 800.04, s. 827.03, or s. 827.04, Florida Statutes, who is under 16 years of age must submit to for law enforcement or discovery purposes. The order

shall, to the extent possible, protect the victim from the psychological damage of repeated interrogation while preserving the rights of the public, the victim, and the person charged with the violation.

Section 8. This act shall take effect October 1, 1984.

Conference Committee Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to sex related crimes; amending ss. 794.011, 800.04, 775.15, F.S.; creating ss. 794.012, 794.013, 794.023, F.S.; clarifying provisions relating to the age of a sexual battery victim; providing for admissibility of evidence of mental defect or incapacity; prohibiting specified acts by a person in familial or custodial authority over a child; requiring the reporting of a sexual battery; providing findings and intent; providing enhanced penalties for acts of sexual battery committed by more than one person; prohibiting lewd, lascivious, or indecent assaults on children under a specified age; providing that consent and lack of chastity are not defenses to such crime; providing penalties; providing statute of limitations for specified crimes against children; requiring the chief judge of each judicial circuit to provide by order for limits on the number of interviews certain victims must submit to for law enforcement or discovery purposes; providing an effective date.

WHEREAS, the District Court of Appeal, Fourth District, held in *State v. Carroll*, 378 So.2d 4 (Fla. 4th DCA 1980), cert. denied, 385 So.2d 761 (Fla. 1980), that the phrase "11 years of age or younger," as used in the sexual battery statute in reference to the age of the victim, did not encompass a child who was 11 years and several months old; and

WHEREAS, the Supreme Court of Florida, in *Hansen v. State*, 421 So.2d 504 (Fla. 1982), resolved a conflict between the *Carroll* decision and the decision of another District Court of Appeal by holding that the phrase referred to the time up to, but not including, the victim's 12th birthday, and

WHEREAS, the decision of the Supreme Court reflects correctly the intent of the Legislature, and

WHEREAS, the Legislature desires to remove any remaining doubts as to the meaning of the statute, and

WHEREAS, the defense of consent is inappropriate if a defendant charged with a sexual offense stands in familial or custodial authority over a young victim, and

WHEREAS, members of the public who observe the commission of the crime of sexual battery should be required to report such crime, and

WHEREAS, an act of sexual battery, when committed by more than one person presents great danger to the public and is extremely offensive to civilized society, and

WHEREAS, the District Court of Appeal, Third District, held in the case of *Lanier v. State*, 443 So.2d 178 (Fla. 3d DCA 1983) that the statute prohibiting lewd and lascivious conduct with children under the age of 14 years did not prohibit acts of sexual intercourse between an adult and an unchaste, consenting child, and

WHEREAS, the District Court of Appeal additionally took the view that, where the victim is younger than 14 years of age but not younger than 12 years of age, the victim's consent was a defense to the crime of lewd and lascivious handling, fondling, or assault of a child, and

WHEREAS, the intent of the Legislature was and remains to prohibit lewd and lascivious acts upon children, including sexual intercourse and other acts defined as sexual battery, without regard either to the victim's consent or the victim's prior chastity, and

WHEREAS, the children of tender years often do not understand the nature of sexual offenses against them and, through fear, guilt, or immaturity may fail to report the occurrence of a sexual offense, and

WHEREAS, the frequent and understandable failure of such children to report sexual offenses prior to the expiration of the applicable statute of limitations bars prosecution of many offenders, and

WHEREAS, efforts should be made to limit the number of interviews a young victim must submit to for law enforcement or discovery purposes, in order to prevent further psychological damage to the victim, NOW, THEREFORE,

On motion by Senator Crawford, the rules were waived and the report of the Conference Committee on SB 138 was read the second time.

On motion by Senator Crawford the Conference Committee Report was adopted, and SB 138 passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Beard	Fox	Jenne	Neal
Carlucci	Frank	Jennings	Plummer
Castor	Girardeau	Johnston	Rehm
Childers, D.	Gordon	Kirkpatrick	Stuart
Childers, W. D.	Grant	Langley	Thomas
Crawford	Grizzle	Malchon	Thurman
Deratany	Henderson	Mann	Vogt
Dunn	Hill	Margolis	Weinstein

Nays—None

Vote after roll call:

Yea—Hair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 284—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.03, F.S., changing the controlled substances in various schedules; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 11, line 15, strike the period (.) and insert: *(dosage forms)*.

Amendment 2—On page 12, line 7, strike: *tempazepam* and insert: *temazepam*

On motions by Senator Dunn, the Senate concurred in the House amendments.

SB 284 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Frank	Johnston	Plummer
Carlucci	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Henderson	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 500—A bill to be entitled An act relating to presidential preference primary elections; repealing s. 103.101(9), F.S., which provides an alternative method for election of delegates to national political party conventions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

(1) Each political party other than a minor political party shall, on the second Tuesday in March in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating conventions, as provided by party rule. ~~Each elector of such party may vote his preference for one person to be the candidate for nomination of such party for President.~~

(2) ~~There shall be The name of any candidate for a political party nomination for President of the United States shall be printed on the ballots upon the direction of a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chairman, the Speaker of the House of Representatives, the President of the Senate, the minority leader of each house of the Legislature, and the chairman of each political party required to have a presidential preference primary under this section.~~

(a) ~~By December 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of the respective party's presidential candidates to be placed on the presidential preference primary ballot or the candidates entitled to have delegates appear on the presidential preference primary ballot. Each year a presidential preference primary is held, The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted who are generally advocated or recognized in news media throughout the United States or in the state. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in January each year a presidential preference primary election is held. Each person designated by the Secretary of State as a presidential candidate shall have his name appear or have his delegates' names appear on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in January each year a presidential preference primary is held. The selection committee shall publicly announce and submit the names of presidential candidates who shall have their names appear or who are entitled to have their delegates' names appear on the presidential preference primary ballot to the Department of State no later than 5 p.m. on the following day. Within 5 days from receipt of such list, The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.~~

(b) ~~Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his name on the ballot. Such requests shall be made no later than the second Tuesday after the first Monday in January.~~

(3) A candidate's name shall be printed on the presidential preference primary ballot unless he submits to the Department of State, prior to the ~~second third~~ Tuesday after the first Monday in January, an affidavit stating that he is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the state executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the ~~third fourth~~ Tuesday after the first Monday in January, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot.

(4) The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as the same are applicable, as in other state elections. ~~If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the presidential candidates for that political party shall not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged.~~

(5) The state executive committee of each party, by rule adopted at least 120 90 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. However, no more than 25 percent of the total number of delegates may be elected by the state executive committee. A copy of any rule adopted by the executive committee shall be filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and notify the state executive committee of each political party of any ballot limitations. The Department of State may promulgate rules for the orderly conduct of the presidential preference primary ballot.

(6) Delegates shall qualify no later than the second Friday in January in the manner provided by party rule. Any person selected as a delegate or delegate alternate to the national convention shall file a qualification oath with the Department of State, pledging support at the convention to the candidate of his party for the office of President of the United States that he was selected to support. The oath shall state that the delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention or receives less than 35 percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge and any other oath as prescribed by the Department of State. No delegate shall be required to vote for such candidate after two convention nominating ballots have been taken.

(7) All delegates shall be allocated as provided by party rule. Any delegate to a national convention whose presidential candidate withdraws after being entitled to delegate votes pursuant to this section shall be an unpledged delegate to the national convention.

(8) Delegates shall be allocated among the candidates by one of the following two methods:

(a) The presidential candidate receiving the highest number of votes in any congressional district shall receive all delegate votes from such congressional district. The presidential candidate receiving the highest number of statewide votes shall receive all statewide delegate votes and all votes of delegates chosen by the state executive committee of the candidate's party.

(b) When provided by party rule, delegates at the congressional district level and at the statewide level shall be allocated among the several candidates on the basis of the proportion that the number of votes each candidate receives bears to the total number of votes cast for the candidates of the same party at the congressional district or statewide level. Such party rule shall provide that delegates need not be allocated to any candidate receiving less than 15 percent of the votes cast for candidates of his political party at the congressional district or statewide level. Such party rule shall also provide that the entire number of delegates for a given congressional district and the entire number of statewide delegates be allocated among only those candidates receiving over 15 percent of the vote. In the event that delegates are to be chosen pursuant to the provisions of this paragraph, the Secretary of State shall cause the words "No Preference" to appear on the presidential preference primary ballot after the names of the candidates of any political party electing to utilize the provisions of this paragraph. An elector may cast his vote for such designation in the same manner that he casts a vote for a candidate of that party. In the event that the number of votes cast for such designation at the district or statewide level is at least 15 percent of the total votes cast for the ballot of such party at that level, delegates shall be allocated in the manner prescribed above. Delegates so allocated shall be considered uncommitted delegates and shall be chosen in the manner prescribed by party rule for delegates allocated to candidates. When delegates are to be allocated according to the provisions of this paragraph, the number of delegates that each candidate is to receive shall be rounded to the nearest whole number.

(9) When provided by party rule, delegates at the congressional district level shall be elected by vote of the electors of that party at the presidential primary election. Candidates for delegate shall qualify in accordance with party rule at least 45 days prior to such election, and the party shall forward the names of such candidates and the congressional districts within which they qualified to the Department of State no less than 40 days preceding the election. The Department of State shall cause the names of such candidates to be placed on the ballots of the appropriate congressional districts in the manner provided by law. At the time of qualifying, each candidate for delegate shall designate the presidential

candidate whom he will support, if elected, or, if he is uncommitted, he shall so designate. The name of the presidential candidate or the word "uncommitted," as appropriate, shall appear on the ballot next to or beneath the name of the candidate for delegate. The candidates for delegate, the number of whom is equal to the number of delegates to be elected from a congressional district pursuant to subsection (5), who receive the highest number of votes in that district shall be deemed elected. Delegates to be elected by the state executive committee pursuant to subsection (5) shall be allocated among presidential candidates and "uncommitted," as appropriate, in accordance with the proportion which the number of delegates elected at the congressional district level for such candidate or for "uncommitted" bears to the total number of delegates to be elected at the congressional district level. If a party provides for the direct election of delegates pursuant to this paragraph. The results of the presidential primary election provided for in this section shall be non-binding as to the allocation of delegates.

(8)(10) All names of candidates or delegates shall be listed as directed by the Department of State. The Department of State shall place the candidates' names on the ballot in alphabetical order. The ballot as prescribed in this section shall be used.

(9)(11) The form of the presidential preference primary ballot shall be in substantially the following form:

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
. COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .
. . . (Signature of Voter) (Initials of Issuing Official) . . .
Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
. COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .
. . . (Initials of Issuing Official) . . .
Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

. Party
. COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote.

For President
. . . (Name of Candidate) . . .
. . . (Name of Candidate) . . .
or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.
. . . (Name of delegate) (Name of Candidate) . . .

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in the title, lines 2-6, strike all of said lines and insert: An act relating to elections; amending s. 103.101, F.S., relating to the presidential preference primary; modifying timetables and

procedure with respect to selection of candidates and placement of candidates' or delegates' names upon the ballot; providing for qualification, allocation, and listing of delegates as provided by rule; providing an effective date.

On motions by Senator Kirkpatrick, the Senate concurred in the House amendments.

SB 500 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Frank	Jennings	Neal
Carlucci	Gersten	Johnston	Plummer
Castor	Girardeau	Kirkpatrick	Rehm
Childers, D.	Gordon	Langley	Thomas
Childers, W. D.	Grant	Malchon	Thurman
Crawford	Grizzle	Mann	Vogt
Deratany	Henderson	Margolis	Weinstein
Dunn	Hill	McPherson	
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Hair, Stuart

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended and passed HB 585, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 585—A bill to be entitled An act relating to energy appropriations; creating s. 377.704, F.S.; providing legislative intent that funds received by the state due to settlements of certain federal litigation relating to petroleum overcharges shall not be expended unless appropriated by the Legislature; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 1, line 12, strike: "appropriated"

On motion by Senator Neal, the Senate concurred in the House amendment.

HB 585 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Beard	Gersten	Jennings	Stuart
Castor	Girardeau	Kirkpatrick	Thomas
Childers, D.	Gordon	Langley	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Grizzle	McPherson	Weinstein
Dunn	Henderson	Meek	
Fox	Hill	Neal	
Frank	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 599—A bill to be entitled An act relating to pari-mutuel wagering; amending ss. 550.08, 550.291, 550.37, F.S.; increasing the length of the harness racing season; amending s. 550.16, F.S.; increasing the commission of a harness racing permitholder for certain specified purposes; amending s. 550.162, F.S.; allowing dogracing permitholders to withhold specified amounts for certain purposes on all exotic wagering; amending s. 551.09, F.S.; allowing jai alai permitholders to withhold specified amounts for certain purposes on all exotic wagering; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 18-28, strike all of said lines and insert:

(a)1. The commission which a permitholder who conducts horseracing under the provisions of this chapter may withhold from contributions to pari-mutuel pools shall not exceed 17.6 percent on regular wagering and shall not exceed 19 percent on exotic wagering, except that up to an additional 0.5 percent of the handle on regular wagering and up to an additional 1 percent of the handle on exotic wagering may be withheld by the permitholder to be used for capital improvements or to reduce capital improvement debt.

2. *Harness racing permitholders may also withhold an additional 1 percent of the handle on any or all exotic wagering to be used for capital improvements or purses.*

Amendment 2—On page 3, lines 3-29, strike all of said lines and insert:

(3)(a) In addition to the sums permitted to be withheld from pari-mutuel pools under subsection (2), a permitholder may withhold, for capital improvements or to reduce capital improvement debt, 1 percent from pari-mutuel pools on triples, trifectas, or other similar wagers involving three or more greyhounds in any race and on pic-six wagering. ~~If a permitholder is unequipped to hold triples, trifectas, or similar wagers on three greyhounds in one race, the permitholder may withhold, in addition to the sums permitted to be withheld under subsection (2), 1 percent, for capital improvements or to reduce capital improvement debt, from pari-mutuel pools on the following exotic wagers only: quinielas, perfectas, Big "Q"s, and pic six wagering. If a permitholder becomes equipped to hold triples, trifectas, or similar wagers on three greyhounds in one race, the permitholder is authorized to withhold the additional 1 percent authorized in this subsection only from pools on triples, trifectas, and similar three greyhound wagers and on pic six wagering, and not from pools on any other type of exotic wagering.~~

(b) *In addition to the sums permitted to be withheld from pari-mutuel pools under subsection (2) and under paragraph (a) of this subsection, a permitholder may withhold, for capital improvements or to reduce capital improvement debt, 1 percent of the handle on any or all exotic wagers.*

(c) The permitholder who withholds additional sums under the provisions of this section for capital improvements or to reduce capital improvement debt shall be bound by the definition of capital improvements and capital improvement debt and the use of these sums as it appears in s. 550.16. ~~In no event may the total sums withheld on any type of exotic wagering on greyhounds exceed 20 percent of the total contributions to such pools.~~

Amendment 3—On page 4, lines 4-31 and page 5, lines 1-2, strike all of said lines and insert:

(2) The "commission" is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single jai alai player or team in a single game, such as the win pool, the place pool, or the show pool, shall be referred to as "regular wagering," and the contributions to all other types of pari-mutuel pools, which shall include, but need not be limited to, the daily double, perfecta, quiniela, trifecta, or the Big "Q" pools, shall be referred to as "exotic wagering."

(a) The commission which a permitholder who conducts jai alai under the provisions of this chapter may withhold from contributions to pari-mutuel pools shall not exceed 17.6 percent on regular wagering and shall not exceed 19 percent on exotic wagering, except that an additional 1 percent on triples, trifectas, or other similar wagers involving three or more players or teams in any game and on "pic-six" wagers may be withheld for capital improvements or to reduce capital improvement debt.

(b) In addition to the commission withheld pursuant to paragraph (a), a permitholder who conducts jai alai may withhold an additional 1 percent on any or all exotic wagers for capital improvements or to reduce capital improvement debt.

(c) The permitholder who withholds such additional sums pursuant to paragraphs (a) and (b) shall be bound by the definition of capital improvements and capital improvement debt and the use of these sums as they appear in s. 550.16.

Amendment 4—On page 6, line 7, insert New Sections 7. and 8. Renumber Subsequent Section.

Section 7. A new subsection (5) is added to section 550.09, Florida Statutes, and existing subsections (5) and (6) of said section are renumbered as subsections (6) and (7), respectively, and are amended to read:

550.09 Payment of daily license fee and taxes.—

(5) Surtax on additional take-out.—

(a) In addition to any other taxes levied pursuant to chapter 550, a permitholder conducting greyhound racing shall be subject to a surtax which shall be levied at the rate of 50 percent, and shall be imposed upon any sums withheld pursuant to s. 550.162(3)(b).

(b) In addition to any other taxes levied pursuant to chapter 550, a permitholder conducting harness racing shall be subject to a surtax which shall be levied at the rate of 50 percent, and shall be imposed upon any sums withheld pursuant to s. 550.16(2)(a)2.

(6)(5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payment for the admission tax, tax on handle, and the breaks tax imposed by this section shall be paid to the Division of Pari-mutuel Wagering. The division shall deposit these sums with the Treasurer, one-half being credited to the Pari-mutuel Tax Collection Trust Fund, hereby established, and one-half being credited to the General Revenue Fund. *The surtax imposed by subsection (5) shall be paid to the Division of Pari-mutuel Wagering, and the division shall deposit these sums with the Treasurer for deposit in the General Revenue Fund.* The permitholder shall remit to the Division of Pari-mutuel Wagering payment for the daily license fee, the admission tax, the tax on handle, *the surtax*, and the breaks tax by the fifth day of each calendar month for all taxes imposed and collected during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.

(7) (6) PENALTIES.—

(a) The failure of any permitholder to make payments as prescribed in subsection (6) (5) is a violation of this section, and the permitholder may be subjected by the division to a civil penalty of up to \$1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited in the General Revenue Fund. If a permitholder fails to pay penalties imposed by order of the division under this subsection, the division may suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, *surtax* or breaks tax constitutes sufficient grounds for the Division of Pari-mutuel Wagering to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 8. A new subsection (5) is added to section 551.06, Florida Statutes, and existing subsections (5), (6), and (7) of said section are renumbered as subsections (6), (7), and (8), respectively, and are amended to read:

551.06 Daily license fee; admission tax; taxes on handle and breaks; surtax.—

(5) In addition to any other taxes levied pursuant to chapters 550 and 551, a permitholder conducting jai alai shall be subject to a surtax which shall be levied at the rate of 50 percent, and shall be imposed upon any sums withheld pursuant to s. 551.09(2)(b).

(6) (5) Payment for the admission tax, the tax on breaks, and the tax on handle imposed in this section shall be made to the Division of Pari-mutuel Wagering. The division shall deposit these sums with the Treasurer, with one-half to be credited to the Pari-mutuel Tax Collection Trust Fund and one-half to be credited to the General Revenue Fund. *The surtax imposed by subsection (5) shall be paid to the Division of Pari-mutuel Wagering, and the division shall deposit these sums with the Treasurer for deposit in the General Revenue Fund.*

(7) (6) The permitholder shall remit to the Division of Pari-mutuel Wagering payment for the daily license fee, the admission tax, the tax on handle, *the surtax*, and the tax on breaks by the fifth day of each calendar month for all taxes imposed and collected during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division. Failure of any permitholder to make the payments prescribed is a violation of this section, and the permitholder may be subjected to a civil penalty of up to \$1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited to the General Revenue Fund. If a permitholder fails to pay penalties imposed by order of the division under this subsection, the division may suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

(8) (7) In addition to the civil penalty allowed in subsection (7) (6), any willful or wanton failure by any permitholder to make payment of the daily license fee, the admission tax, the tax on handle, *the surtax*, or the tax on breaks shall constitute sufficient ground for the Division of Pari-mutuel Wagering to suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

Amendment 5—On page 6, line 7, strike "October" and insert: July

Amendment 6—On page 2, line 29, insert:

(e) The permitholder who withholds additional commission for capital improvements, as may be authorized in this chapter or in chapter 551, shall be required to report under oath such withholding and the purpose for which it is withheld, on forms as may be prescribed by the Division of Pari-mutuel Wagering. The Division of Pari-mutuel Wagering shall prescribe reasonable and suitable rules to audit and regulate capital improvement withholdings. *Each permitholder and contractor shall certify to the Commission that the capital improvement project approved by the Commission has been completed, together with proof of expenditure by the permitholder.* Such sums as are determined by the Florida Pari-mutuel Commission to have been improperly withheld or expended by the permitholder shall be paid to the General Revenue Fund, within 10 days from the date of such order by the Florida Pari-mutuel Commission.

Amendment 7—On page 1, lines 26 and 27, strike all of said lines and insert:

Section 2. Paragraphs (a) and (e) of subsection (2) of section 550.16, Florida Statutes, are amended to read:

Amendment 8—On page 1 in the title, line 7 after the semicolon, insert: requiring certification of expenditures;

Amendment 9—On page 1, in the title, line 13, after "wagering," insert: amending ss. 550.09 and 551.06, F.S., providing for the imposition of a surtax on certain amounts withheld by permitholders;

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

CS for SB 599 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Beard	Girardeau	Johnston	Neal
Castor	Gordon	Kirkpatrick	Plummer
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Deratany	Henderson	Mann	Thurman
Dunn	Hill	Margolis	Vogt
Frank	Jenne	McPherson	Weinstein
Gersten	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 101 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Locke and others—

CS for HB 101—A bill to be entitled An act relating to animal industry; amending s. 585.65, F.S., relating to the charging of certain laboratory service fees by the Department of Agriculture and Consumer Services and the use of the revenue therefrom; establishing the Animal Industry Diagnostic Laboratory Account; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

On motions by Senator Thurman, by two-thirds vote CS for HB 101 was withdrawn from the Committee on Agriculture.

On motions by Senator Thurman, by unanimous consent CS for HB 101 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Stuart
Castor	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Henderson	Margolis	Weinstein
Deratany	Hill	McPherson	
Dunn	Jenne	Meek	
Frank	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed SB's 90, 795, 609, 185, CS for SB 319, CS for SB 91, SB's 581, 149, 354, 556, 162, 166, CS for SB 544, SB 682, CS for SB 626, SB 686, CS for SB 228, CS for SB 251, SB's 695, 233, CS for SB 598, SB's 802 and 1138.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 183, HB's 302, 560, CS for HB 1196; and has passed as amended HB 224, CS for HB 426, CS for CS for HB 1126, HB 1258, HB 360, CS for HB 974, HB 1082 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance and Taxation and Representative Richmond—

CS for HB 183—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.221, F.S., authorizing the issuance of vendor's licenses to certain manufacturers of malt beverages; amending s. 565.02, F.S., providing for licensing of alcoholic beverage sales in certain theme

park complexes; providing additional license taxes; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committee on Governmental Operations—

HB 302—A bill to be entitled An act relating to the Department of State; amending s. 15.09, F.S., and creating s. 607.372, F.S., establishing the Corporations Trust Fund and providing for the administration thereof; providing retroactive and effective dates.

—was referred to the Committees on Appropriations; and Finance, Taxation and Claims.

By Representatives Wetherell and Gordon—

HB 560—A bill to be entitled An act relating to the excise tax on documents; amending ss. 201.04, 201.05, F.S.; providing that the excise tax on documents not apply to the stocks or shares of certain mutual funds; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committees on Appropriations and Community Affairs and Representative Spaet—

CS for HB 1196—A bill to be entitled An act relating to the Community Development Corporation Support and Assistance Program; amending s. 290.033, F.S.; revising a definition; amending s. 290.034, F.S.; providing for funding of the trust fund and for payment of administrative costs; amending s. 290.035, F.S.; revising requirements relating to election of board members and to target areas; amending s. 290.036, F.S.; providing limitations on administrative grants; amending s. 290.037, F.S.; providing loan limitations and additional criteria for evaluating proposals; amending s. 290.038, F.S.; providing additional authority of the Department of Community Affairs and requiring an annual report; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Dantzler—

HB 224—A bill to be entitled An act relating to citrus; amending s. 601.731, F.S., which provides requirements for transporting citrus on highways; providing a penalty for subsequent offenses relating to violation of load identification requirements; providing for legislative review and repeal; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Commerce and Representative Tobin and others—

CS for HB 426—A bill to be entitled An act relating to toxic substances; providing legislative intent; providing definitions; providing for liability and responsibility of contractors to employees; providing for the determination of the Florida Substance List; creating the Toxic Substances Advisory Council; providing for membership, terms, and meetings of the council; providing for annual review of the Florida Substance List; providing notice requirements; providing employee education and training requirements; providing for employee rights; providing for protection of trade secrets; providing for notice to fire departments, emergency medical service providers, and law enforcement agencies; providing recordkeeping requirements; providing for annual evaluation reports; providing penalties; prohibiting local standards; providing an appropriation; providing for review and repeal; providing effective dates.

—was referred to the Committees on Commerce, Agriculture, and Appropriations.

By the Committees on Appropriations and Judiciary and Representative Dunbar and others—

CS for CS for HB 1126—A bill to be entitled An act relating to mobile homes; creating chapter 720, F.S., the "Florida Mobile Home Act"; providing rights with respect to mobile home tenancies and mobile home associations; providing for injunctive relief; creating provisions with respect to mobile home park restrictions, sale of mobile home parks and park owners' obligations, mobile home rental agreements, eviction proceedings and mobile home subdivisions; providing for regulation by the

Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; providing for an annual fee to be paid by mobile home park owners; providing for certain disclosure with respect to contracts for the rental of a mobile home lot; restricting certain types of advertising; amending s. 20.16, F.S., redesignating the Division of Florida Land Sales and Condominiums as the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Statutory Revision Division of the Joint Legislative Management Committee to make appropriate changes in the Florida Statutes; amending s. 73.072, F.S., correcting a statutory cross-reference; repealing s. 83.750, F.S., relating to the short title of the "Florida Mobile Home Landlord and Tenant Act"; repealing s. 83.751, F.S., relating to the application of the act; repealing s. 83.752, F.S., relating to definitions; repealing s. 83.753, F.S., relating to rental agreements as an obligation of good faith; repealing s. 83.754, F.S., relating to unconscionable lot rental agreements; repealing s. 83.755, F.S., relating to prohibited or unenforceable provisions in mobile home lot rental agreements; repealing s. 83.756, F.S., relating to attorney's fees; repealing s. 83.757, F.S., relating to the mobile home park owner's access to mobile home and mobile home lot; amending s. 83.758, F.S., relating to the obligation of mobile home and mobile home park owners; repealing s. 83.759, F.S., relating to the grounds for eviction from a mobile home park and proceedings with respect thereto; repealing s. 83.7594, F.S., relating to the termination of a lease agreement; repealing s. 83.7597, F.S., relating to the removal of a mobile home owner; repealing s. 83.760, F.S., relating to the mobile home lease; repealing s. 83.7605, F.S., relating to the content of a mobile home park lease with respect to zoning; repealing s. 83.761, F.S., relating to civil remedies; repealing s. 83.762, F.S., relating to disclosure; repealing s. 83.763, F.S., relating to defenses to an action for rent or possession; repealing s. 83.764, F.S., relating to fees and rules; repealing s. 83.765, F.S., relating to restrictions on the disposal of a mobile home; repealing s. 83.795, F.S., relating to the right of mobile home owners to peaceably assemble; repealing s. 83.796, F.S., relating to the right of a mobile home owner to invite public officers or candidates for public office to the park; repealing s. 83.797, F.S., relating to injunctive relief; repealing s. 715.301, F.S., relating to tenant's right of first refusal with respect to the sale of a mobile home park; repealing ss. 715.302 and 715.303, relating to mobile home homeowners' associations and the bylaws thereof; amending s. 215.22, F.S., relating to creation of the Mobile Home Trust Fund; amending s. 418.304, F.S., revising conditions under which fees may be charged for use of recreational facilities by mobile home park recreation districts; providing effective dates.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Natural Resources—

HB 1258—A bill to be entitled An act relating to environmental control; amending s. 403.061, F.S., providing that discharges from steam electric generating plants shall not be required to be treated to a greater extent than may be necessary to meet certain criteria; providing that a mixing zone for the discharge of pollutants from a steam electric generating plant may be granted under certain circumstances; amending ss. 373.106, 403.727, and 403.804, F.S.; correcting references; amending s. 373.333, F.S., relating to powers of water management districts with respect to regulation of wells; amending s. 376.11, F.S., relating to the Florida Coastal Protection Trust Fund; removing a deadline relating to payment of administrative expenses; revising provisions relating to an annual expenditure to the Water Quality Assurance Trust Fund; amending ss. 376.30, 376.301, 376.302, 376.307, 376.308, and 376.313, F.S., relating to pollution of surface and ground waters; revising definitions of "facility," "pollutants," and "pollution"; prohibiting certain discharge of pollutants; revising provisions relating to the Water Quality Assurance Trust Fund; revising applicability of the excise tax; revising conditions under which the tax is suspended or increased; specifying limitation on institution of actions to recover sums expended from the fund; specifying that provisions relating to liabilities and defenses of facilities apply to suits instituted by the Department of Environmental Regulation under ss. 376.30-376.315; revising provisions relating to nonexclusiveness of remedies and individual cause of action and defenses thereto; creating s. 376.317, F.S., authorizing county governments to adopt ordinances regulating underground storage tanks; amending s. 377.22, F.S.; providing for regulation of aboveground crude oil storage tanks by the Department of Natural Resources; amending s. 213.053, F.S., relating to confidentiality and information sharing by the Department of Revenue; specifying applicability to chapter 376; amending s. 403.087, F.S.; providing fees for 25-year port maintenance dredging permits; amending s. 403.0876, F.S.; specifying effect of time limitation for permit processing on permit appli-

cations for underground injection wells; amending s. 403.091, F.S.; providing powers of inspection of the Department of Environmental Regulation with respect to chapter 403 and ss. 376.30-376.315; providing for inspection warrants; amending s. 403.1826, F.S.; authorizing the department to establish maximum grants for each local agency under the Florida Water Pollution Control and Sewage Treatment Plant Grant Act; revising requirement relating to generation of revenue to make projects self-supporting; amending s. 403.1838, F.S., relating to limitations and matching fund requirements under the Small Community Sewer Construction Assistance Act; amending ss. 403.703 and 403.726, F.S.; amending s. 403.7225, F.S.; revising the deadline for completion of certain county hazardous waste management plans; providing for periodic updating of hazardous waste management assessments; amending s. 403.7234, F.S.; providing for annual small quantity generator notification; transferring and amending s. 501.118, F.S., relating to management of hazardous materials, substances and wastes by governmental agencies; amending s. 403.809, F.S.; revising provisions relating to appointment of environmental district branch office managers; revising types of permits for which authority may not be delegated; amending ss. 403.803 and 403.813, F.S.; exempting restoration of certain existing insect control impoundment dikes from permit requirements; imposing requirements with respect thereto; amending ss. 403.853 and 403.855, F.S.; authorizing the department to expend funds from the Water Quality Assurance Trust Fund for certain tests under the Florida Safe Drinking Water Act; providing requirements with respect to testing of public community water supply systems; creating s. 403.8635, F.S.; authorizing the department and the Department of Health and Rehabilitative Services to establish a certification program for laboratories that perform environmental sample analysis; providing for fees; creating the Mangrove Protection Act of 1984; creating s. 403.021, F.S., establishing state policy to ensure that drinking water resources remain pure and directing the Department of Environmental Regulation to identify sources of existing potential contamination; providing legislative intent; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Combee and others—

HB 360—A bill to be entitled An act relating to alcohol and drug related offenses; providing for the establishment of an RID program; amending s. 316.193, F.S., authorizing alternative punishment to mandatory fines for violations of provisions relating to driving under the influence of alcoholic beverages or other controlled substances or while intoxicated; amending s. 316.193, F.S., providing for consideration of certain convictions in other jurisdictions for purposes of enhanced penalties for repeat offenses relating to driving while under the influence of alcoholic beverages or other substances or with an unlawful blood alcohol level; amending s. 562.11, F.S., providing additional penalties for persons who misrepresent their age to unlawfully obtain alcoholic beverages; amending s. 316.1931, F.S., providing penalties; increasing penalties for causing certain injuries to another by the operation of a motor vehicle while intoxicated; expanding provisions relating to certain damage caused by a person operating a motor vehicle while under the influence of certain chemical substances; amending s. 322.271, F.S.; providing circumstances under which certain persons may be issued a limited license for business or employment use; repealing s. 316.1931(1), relating to driving while intoxicated; repealing s. 316.1931(3), providing that a conviction of driving while intoxicated shall not bar any civil suit; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committees on Appropriations and Community Affairs—

CS for HB 974—A bill to be entitled An act relating to disaster emergencies; amending s. 252.37, F.S.; providing purpose; creating the Emergency Assistance Trust Fund, to be used by the Division of Public Safety Planning and Assistance of the Department of Community Affairs; providing limitations upon disbursements therefrom; specifying funds to be deposited therein; requiring documentation of destruction or loss; providing for public assistance grants and loans, to be made to political subdivisions, in accordance with specified criteria; providing for individual assistance in accordance with specified criteria; providing for regular reports to the Governor and the Legislature; providing for the adoption of rules; authorizing the adoption of emergency rules, if necessary; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Appropriations.

By Representative Hill—

HB 1082—A bill to be entitled An Act relating to Northern Palm Beach County Water Control District in Palm Beach County; amending Section 1 of Chapter 59-994, Laws of Florida, to include specified parcels of land in the territorial limits of the District and to exclude certain lands from the boundaries of the District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

On motion by Senator Johnston, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 10, CS for SB 238 and SB 983 were withdrawn from the Committee on Appropriations.

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to consider Senate Bills 819, 198, 11, 15 and CS for SB's 469, 698, 239 and 380 this day.

On motions by Senator Johnston, by two-thirds vote House Bills 1300 and 1301 were withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar.

On motions by Senator Johnston, by two-thirds vote HB 1302 was withdrawn from the Committees on Education and Appropriations and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER

HB 1300—A bill to be entitled An act making appropriations: providing moneys for the annual period beginning July 1, 1984, and ending June 30, 1985, to pay salaries, other expenses, capital outlay - buildings and improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

On motion by Senator Johnston, Amendment 1 striking everything after the enacting clause was adopted.

The amendment constituted an entirely new bill and pursuant to Rule 7.6 was not printed in the Journal.

Senator Johnston moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1984, and ending June 30, 1985, to pay salaries, other expenses, capital outlay - buildings and improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1300 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Girardeau	Johnston	Plummer
Castor	Gordon	Kirkpatrick	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Deratany	Henderson	Margolis	Vogt
Dunn	Hill	McPherson	Weinstein
Frank	Jenne	Meek	
Gersten	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Hair, Rehm

On motion by Senator Johnston, the rules were waived and HB 1300 was ordered immediately certified to the House.

HB 1301—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1984-1985; providing authority for the Administration Com-

mission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; authorizing school districts to contract with nonpublic residential schools for educational programs not otherwise available, and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; providing for inclusion of certain students in educational alternative programs; modifying certain match funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; directing the Commissioner of Education to conduct certain enrollment estimating conferences and to report the results thereof; providing for disposition of surplus general revenue included in the Public Medical Assistance Trust Fund in the Department of Health and Rehabilitative Services; providing for funding of the Atlantic Center for the Arts on a nonmatching basis; requiring agency reports to the Department of Administration of actual and estimated expenditures for staff development and training; directing the department to report to the Governor, Cabinet, and Legislature; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; repealing section 8 of chapter 83-348, Laws of Florida, relating to an appropriation to the Extended School Day and Quality Instruction Incentive Categorical Program; repealing section 14 of chapter 83-348, Laws of Florida, relating to an appropriation to the Critical Teacher Shortage Trust Fund; provides for approval of certain positions, by a majority vote of the Joint Legislative Management Committee; providing effective and expiration dates.

—was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the following implementing and administering provisions apply for the General Appropriations Act for fiscal year 1984-1985.

Section 2. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 3. All automobiles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class, except vehicles used for law enforcement purposes, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be the smallest class that can safely and adequately meet the transportation requirements. The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.

Section 4. No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of General Services, Division of Purchasing.

Section 5. No funds provided in the General Appropriations Act shall be used to acquire equipment in the executive or judicial branches through a lease, lease purchase, or installment purchase arrangement unless approved by the Comptroller as economically prudent and cost-effective. This restriction shall not apply to equipment which requires approval of the Information Resource Commission.

Section 6. No funds appropriated in the General Appropriations Act for the executive branch to contract for legal services shall be expended without prior approval of the Attorney General. This approval shall include a certification that the legal services requested cannot be provided by the Attorney General's Office. For agencies funded from trust funds, the Attorney General may require that the legal services be provided from the Office of the Attorney General on a contractual basis. Legal services necessary pursuant to part II, chapter 284, Florida Statutes, are exempt from the requirements of this section. Also exempt from the requirements of this section are contracts for legal services entered into by the Florida Board of Regents for defense of general liability claims, including professional liability claims, which are covered by the self-insurance programs created pursuant to s. 240.213, Florida Statutes.

Section 7. At the end of the 1984-1985 fiscal year, any unexpended balance remaining in the Department of Transportation budget in special categories, aid to local government, and lump sums appropriated for projects which are part of the multi-year work program may be certified forward as fixed capital outlay until these funds have been expended. The amount certified forward shall include contingency allowances for asphalt and petroleum product escalation clauses, contract overages, etc., which shall be separately identified in the certification detail. These contingency amounts shall be incorporated in the certification for each specific category, but when a category proves to have an excess and another category has a deficiency, the Executive Office of the Governor is authorized to transfer the excess to the deficient accounts.

Section 8. Specific appropriations are provided in the General Appropriations Act from funds available to the State of Florida due to settlements of litigation brought by the United States Department of Energy against oil companies and refineries. Other statutory provisions to the contrary notwithstanding, it is the intent of the Legislature that funds received as a result of federal statute or administrative or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for crude oil or refined petroleum products sold during the period of time in which federal price controls on such crude oil and refined petroleum were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, shall not be expended unless specifically appropriated by the Legislature in the General Appropriations Act.

Section 9. The provisions of s. 216.011, Florida Statutes, notwithstanding, funds provided in any specific appropriation in the General Appropriations Act for fiscal year 1984-1985 may be advanced if the General Appropriations Act specifically so provides.

Section 10. Any agency that has been expressly authorized by other law to make advances for program start-up or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the legislative appropriations committees, waive the requirements of this section if it is determined to be consistent with the intent of the General Appropriations Act or the Letter of Intent.

Section 11. All moneys appropriated in the General Appropriations Act to the Department of Education are conditional upon each district school board, each community college board of trustees, and the Board of Regents securing prior approval from the Commissioner of Education before purchasing or leasing any electronic data processing equipment or software costing in excess of \$6,000 in any 12-month period. In granting approval, the commissioner must ensure that the software or equipment is compatible with the Florida Educational Computing Network, and that the costs of educational computing are reduced by making the best use of existing hardware and software. The Commissioner of Education shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges, or state universities. Such development shall be carried out through a centrally coordinated and supervised effort.

Section 12. Prior to the distribution of any funds appropriated in the General Appropriations Act for the FEFP formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference participants shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the House and Senate. Conference participants shall discuss and agree to all conventions (including rounding conventions) and methods of computation that will be used to calculate districts' FEFP and categorical entitlements for 1984-1985. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of districts' FEFP and categorical allocations, provide conference participants with all data necessary to replicate those allocations precisely. These data shall include a matrix by district by program of all FTE changes made by the department as part of its administration of statewide FTE caps.

Section 13. The Commissioner of Education shall review the organization, administration, and implementation of adult education programs offered by school districts and community colleges in order to assure the coordinated delivery of educational activities and to eliminate any unnecessary duplication of programs in service areas in 1983-1984 and the future. The commissioner shall report to the Legislature not later than January 1, 1985, on the coordinated delivery of adult education programs in the state.

Section 14. (1) As authorized by s. 230.23(4)(m), Florida Statutes, a school district may enter into a contractual arrangement with a nonpublic residential school and receive reimbursement when the school board has determined that no special education program offered by it, a cooperating district school board, or a state agency can adequately provide the educational program for the student.

(2) To be eligible for reimbursement, the district shall approve the nonpublic school using criteria established by the State Board of Education. Annually and prior to the first report of full-time equivalent membership for a student in a nonpublic school, a copy of the contract signed by all participating parties shall be filed with the Department of Education. The contract shall meet the standards established by the State Board of Education.

(3) The school district shall seek to share the cost of the residential placement with the Department of Health and Rehabilitative Services and other appropriate federal, state, and local agencies, however, the placement shall be at no cost to the parent.

(4) Annually the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted FTE generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted shall be eligible for reimbursement.

(5) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (4). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 15. The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, the following procedure shall be followed in determining the annual allocation to each district for operation:

(1) The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district. The projection of full-time equivalent enrollment in grades 9 through 12 within the 6 required credit courses required for high school graduation in 1985-1986 shall be made in the categories of basic and exceptional education.

(2) Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP.

(a) The Commissioner of Education shall conduct consensus enrollment estimating conferences under the assumption of current law and current administration. These are truly consensus conferences. All participants shall agree on the conference estimates. The first of these conferences shall be held prior to November 1, 1984 with the Divisions of Public Schools, Vocational Education, Community Colleges, and Universities of the Department of Education; the Executive Office of the Governor; and the House Appropriations Committee and Senate Appropriations Committee and the Joint Legislative Management Committee's Economic and Demographic Research Unit as participants. The Department of Education shall convene meetings of the Enrollment Estimating Conference as necessary or as requested by participants of the conference. The conference shall consider enrollment projections provided by any of the participants. For public schools, the Enrollment Estimating Conference shall submit its full-time equivalent student consensus estimate to the Legislature 1 month after the start of the legislative session. No conference estimates can be changed without the action of the full conference.

(b) For public schools, the conference's consensus agreement of enrollments based on initial projections shall be forwarded by the conference to districts not later than 2 months prior to the start of the annual legislative session. Each district may in writing request adjustments to the conference projections. Initial adjustment requests shall be submitted to the conference not later than 1 month prior to the start of the legislative session and shall be considered by the participants of the Enrollment Estimating Conference. Districts may also request amendments to the initial adjustment request in writing during the first 3 weeks of the legislative session, which shall be considered by the participants of the Enrollment Estimating Conference. Using definitions adopted by the Enrollment Estimating Conference, all enrollment adjustment requested by the districts shall indicate and explain the components of anticipated enrollment changes that correspond to: continuation of current programs with workload changes; program involvement; reduction or elimination; and initiation of new programs; as well as any other information that may be required by the Legislature.

(3) As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of all basic programs other than the programs in group 1, all exceptional child programs, and all vocational programs in grades 7-12. Group 3 shall be composed of all adult education programs.

(a) The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group.

(b) If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

1. The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

2. If the difference calculated under subparagraph 1. is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

3. The reduction proportion calculated under subparagraph 2. shall be multiplied by the total amount of the program group's enrollment over ceiling as calculated under subparagraph 1.

4. The prorated reduction amount calculated under subparagraph 3. shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

5. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the number obtained by multiplying the sum of the FTE for all programs in the program group by 1.0.

Section 16. Other statutory provisions to the contrary notwithstanding, alternative education programs funded in the General Appropriations Act include students as specified in s. 232.01(1)(d)2., Florida Statutes, who could benefit from a special class or program better suited to their special needs. Bilingual education programs shall not be considered within the definition of alternative education programs. Intensive English language instruction, however, may be provided for students whose native language is other than English.

The programs identified in s. 236.081(1)(c), Florida Statutes, as educational alternatives and educational alternatives mainstream shall be retitled educational alternatives/intensive English and educational alternatives/intensive English mainstream. The programs identified in s. 236.081(1)(c), Florida Statutes, as Speech and Hearing Part-Time and Deaf shall be retitled Speech Language and Hearing Part-Time and Speech, Language and Hearing.

Section 17. For fiscal year 1984-1985, notwithstanding the provision of s. 236.25(1), Florida Statutes, the nonvoted millage for operating purposes shall apply and be calculated by multiplying the statewide average required local effort calculated under s. 236.081(4) by 25 percent. The discretionary millage calculation shall be made on or before August 1, 1984. Changes made after August 1, 1984, are not intended to influence the discretionary millage.

Section 18. Notwithstanding the provision of s. 236.081(3), Florida Statutes, from the amount computed in Appropriation 10 for each district, at least \$6 per FTE shall be expended for educational training programs with at least \$3 per FTE of the \$6 expended in approved teacher education centers and up to \$1.70 per FTE of the \$6 available for the beginning teacher program.

Section 19. For all contractual training needs, each agency shall first solicit state funded educational institutions. If the educational institution cannot provide the training or if the training proposal is not cost-effective, the agency may then solicit other providers. All solicitations and responses shall be in writing, with a copy to the Bureau of Training in the Department of Administration.

Section 20. Funds and positions in the Department of Community Affairs budget for operation of the H.U.D. 107 program have been eliminated due to the lack of federal funding. However, it is not legislative intent to preclude the DCA from administering H.U.D. 107 program should federal funding be made available. Budget authority and positions may be requested from the Administration Commission for the continuation of the H.U.D. 107 Program if continued federal funding is provided.

Section 21. No funds appropriated to the Department of Transportation in the General Appropriations Act shall be used to relocate any railroad in Santa Rosa County.

Section 22. Notwithstanding s. 112.24, Florida Statutes, any individual filling a position authorized in section 1 of the General Appropriations Act for any state agency cannot be transferred to or his services utilized by any other state agency, unless the using agency pays for such services which are in excess of one week.

Section 23. Notwithstanding s. 440.45(4), Florida Statutes, each full-time deputy commissioner shall receive a salary equal to that paid to a full-time county court judge payable out of the fund established in s. 440.50. The Chief Commissioner shall receive a salary of \$1,000 more per year than that paid to a full-time deputy commissioner. Provided, however, the salary of a deputy commissioner fulfilling the individual's current term of office shall not be reduced or increased until the current term has expired.

Section 24. Section 8, chapter 83-348, Laws of Florida, is hereby repealed.

Section 25. Other than for in-house training and educational activities, in order for a state agency to contract or to expend any funds including payment or reimbursement of fees for in-service instruction and education of its employees for such reasons as job or self improvement, job retention, job promotion, job certification, and job entry, each state agency shall submit a plan to the Department of Administration which must be approved by the Department of Administration before such funds may be released by the Executive Office of the Governor and expended by the agency. The expenditure plans must rank the requested programs/classes in priority order, and shall include specific training categories, how this training is to be obtained, why the training is necessary

or is beneficial to the state, the number of hours of needed instruction, the estimated cost per hour and other factors necessary for approval of an in-service training plan. The Department of Administration shall develop by February 1, 1985 an in-service training master plan to be implemented for F.Y. 1985-86 for all state agencies, which shall include procedures for requesting, allocating, and reporting of expenditures of funds appropriated for each respective agency's in-service training program. The request for funding shall be based upon the full cost of the program.

Section 26. This act shall take effect July 1, 1984, and shall expire and be of no further force or effect on June 30, 1985.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1984-1985; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that, with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; providing that certain unexpended balances of appropriations to the Department of Transportation shall be certified forward at the end of the fiscal year; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; providing that specific appropriations in the General Appropriations Act may be advanced as provided; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; providing that appropriations to the Department of Education are subject to approval by the Commissioner of Education of certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; directing the Commissioner of Education to review adult education programs and to report the results thereof; authorizing school districts to contract with nonpublic residential schools for educational programs not otherwise available and providing conditions, eligibility, and funding with respect thereto; modifying procedure for determining annual allocations to school districts; directing the Commissioner of Education to conduct certain enrollment estimating conferences, and to report the results thereof; providing for establishment of enrollment ceilings by program groups; providing for inclusion of certain students in educational alternative programs; delaying effective date of certain provisions relating to required local effort; requiring agencies to first solicit state funded educational institutions for contractual training needs; providing for continuation of certain programs in the event of federal funding; prohibiting use of certain funds for relocation of certain railroads; placing restrictions on transfer of or use of services of agency personnel by another agency; prescribing salary of workers' compensation deputy commissioners and the chief commissioner; repealing section 8, chapter 83-348 Laws of Florida, which relates to the repeal of provisions relating to the depositing of certain fees in the Corporations Trust Fund; requiring agency in-service education programs provided by other agencies to be planned and that the plan must be reviewed and approved by the Department of Administration prior to release of funds by the Executive Office of the Governor; providing effective and expiration dates.

On motion by Senator Johnston, by two-thirds vote HB 1301 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Frank	Jenne	Neal
Castor	Gersten	Jennings	Plummer
Childers, D.	Girardeau	Johnston	Rehm
Childers, W. D.	Gordon	Langley	Scott
Crawford	Grant	Malchon	Stuart
Deratany	Grizzle	Mann	Thomas
Dunn	Henderson	Margolis	Vogt
Fox	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick, Thurman

HB 1302—A bill to be entitled An act relating to educational facilities construction and funding; authorizing and providing funding for specified public education capital outlay projects; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Art. XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects. From moneys becoming available pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution, as amended, there is hereby appropriated \$155,015,325 from funds deposited in the Public Education Capital Outlay Trust Fund for public educational projects in the 1984-1985 fiscal year. These funds shall be administered pursuant to s. 235.42, Florida Statutes. The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the 1984-1985 appropriation.

(1)(a) The sum of \$3,610,878 to the District School Board of Broward County for construction of a community education project with the City of Pembroke Pines pursuant to s. 235.196, Florida Statutes.

(b) The sum of \$2,250,000 to the District School Board of Manatee County for completion of a community education project with Manatee County pursuant to s. 235.196, Florida Statutes.

(c) The sum of \$3,500,000 to the Board of Trustees of Polk Community College as the state's share of funds for planning, site development, construction, and equipment of a joint-use project with the University of South Florida pursuant to s. 235.195, Florida Statutes. Funds are included to provide that this project shall include facilities and equipment necessary for the University of South Florida to offer the FEEDS continuing education program for engineers in Polk County.

(d) The sum of \$316,733 to the Division of Blind Services for continuing renovation, maintenance, repair, and site improvement projects at Daytona Beach and Tampa.

(e) The sum of \$1,600,000 to the Florida School for the Deaf and the Blind for the following projects:

1. Renovate the second floor of McLane Hall;
2. Renovate one floor of Rhyne Hall;

3. Correction of fire safety conditions and other remodeling, renovation, maintenance, repairs, and site improvement projects as identified and prioritized by the board of the school. These funds may not be used for new construction projects.

(f) The sum of \$1,180,745 to the State Board of Education for construction of a public broadcasting facility for WUSF-FM, Tampa on the campus of the University of South Florida. The public broadcasting facility funded by the above allocation on the campus of the University of South Florida may be used for the education and training of broadcasting and mass communications majors. A coordinated education and training program utilizing the facility for broadcasting majors and other students shall be developed by the administration of the University of South Florida.

(g) The sum of \$1,500,000 to the State Board of Education for construction of a public broadcasting facility for WHRS-TV and FM, Palm Beach.

(h) The sum of \$1,830,373 to the Department of Education for equipment grants to the following public broadcasting stations:

- | | |
|-------------------------|--------|
| 1. Pensacola WUWF - FM | 27,280 |
| 2. Ft. Pierce WQCS - FM | 8,338 |

3. Pensacola WSRE - TV	333,500
4. Miami WLRN - TV and FM	220,000
5. Gainesville WUFT - TV and FM	626,980
6. Orlando WMFE - TV and FM	33,350
7. Tampa WEDU - TV	50,000
8. Tallahassee WFSU - TV	183,425
9. Panama City WKGC - FM	14,000
10. Tampa WUSF - TV	333,500

(i) The sum of \$10,000,000 to school boards of the 67 school districts for continuation of improvements to public school science facilities. Funds shall be distributed pursuant to the provisions of s. 235.435(3), Florida Statutes. Funds appropriated for the 1984-1985 fiscal year should be expended based on the following order of priorities:

1. To implement the school-by-school plan to improve science facilities as required by Specific Appropriation 12, chapter 83-350, Laws of Florida;

2. To provide science equipment to meet the program needs for science as required in chapter 83-324, Laws of Florida;

3. To provide improvements to any high school or junior high facilities as may be necessary to meet any program needs as required in chapter 83-324, Laws of Florida; and

4. To implement any educational plant survey recommendations pursuant to s. 235.15, Florida Statutes.

(2) To the school boards of the 67 school districts:

(a) The sum of \$27,686,275 to the State Board of Education for remodeling, renovation, maintenance, repair, and site improvement for existing satisfactory facilities. These funds shall be distributed to the school boards as provided in s. 235.435(1), Florida Statutes;

(b) The sum of \$65,860,579 to the State Board of Education for new construction projects pursuant to s. 235.435(3), Florida Statutes.

1. Section 235.222, Florida Statutes, requires that any board having received funds under the former provisions of s. 235.221, Florida Statutes, shall officially waive 80 percent of any future annual allocation, beginning with the 1982-1983 fiscal year. Twenty-one school districts collectively owe \$58,241,515.

2. Under the provisions of s. 235.435(3), Florida Statutes, each school board is to receive an annual allocation of PECO funds from which the 80 percent annual repayment can be calculated. The amount to be withheld from the 21 school districts is \$14,085,259, based upon an allocation of \$65,860,579. The amount passed through to local boards is \$51,775,320.

(c) The sum of \$250,000 to the State Board of Education for removal of asbestos from district educational facilities. These funds shall be distributed to the school boards on a project-by-project basis as determined by the State Board of Education.

(3) To the Boards of Trustees of the 28 community colleges:

(a) The sum of \$2,111,078 for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities. These funds shall be distributed to the colleges pursuant to s. 235.435(1), Florida Statutes. As required in section 1(3)(a), chapter 82-240, Laws of Florida, the amount allocated from this category during 1984-1985 to Chipola Junior College shall be withheld. It is directed that the amount withheld be reallocated to the other 27 community colleges based upon their current respective needs;

(b) Section 235.222, Florida Statutes, requires that any board having received funds under the former provisions of s. 235.221, Florida Statutes, shall officially waive 80 percent of any future annual allocation beginning with the 1982-1983 fiscal year. Eight community colleges collectively owe \$23,676,412.

(c) The sum of \$10,957,886 to the community colleges shall be allocated preliminarily among the community colleges, based upon the 1983-1984 instruction units. By calculating 80 percent to be withheld on those community colleges with outstanding advances, \$4,607,421 will be withheld for repayment, leaving \$6,350,465 to be expended for projects.

1. The sum of \$1,750,000 to the Board of Trustees of Polk Community College as the college's share of funds for a joint-use facility with the University of South Florida, pursuant to s. 235.195, Florida Statutes; and

2. The sum of \$600,000 to the Board of Trustees of Palm Beach Junior College for planning a Fine Arts Theater. These funds shall be matched either in land or cash from funds not appropriated by the Legislature.

3. The sum of \$3,980,837 for the following projects as identified on the State Board of Community Colleges March 6, 1984, amended 3 year priority list:

a. Daytona Beach CC/Daytona Beach	731,000
b. St. Johns River CC/Palatka	100,000
c. Chipola JC/Marianna	619,156
d. Miami-Dade CC/College-wide	350,000
e. Lake City CC/Lake City	185,955
f. Broward CC/North	53,940
g. Seminole CC/Sanford	223,146
h. St. Petersburg JC/St. Petersburg	230,000
i. Pensacola JC/Pensacola	531,300
j. Miami-Dade CC/College-wide	956,340

4. The sum of \$19,628 to the Board of Trustees of Brevard Community College for initial construction of a joint-use auditorium for South Brevard County.

(4) To the Board of Regents of the State University System:

(a) The sum of \$1,750,000 to the University of South Florida as the university's share of a joint-use facility with Polk Community College pursuant to s. 235.195, Florida Statutes. Included in this amount is sufficient funding to provide the necessary space and equipment as part of this facility, so that the University of South Florida shall offer the FEEDS continuing education program in this facility; and

(b) The sum of \$4,810,490 for remodeling, renovation, maintenance, repairs, and site improvement pursuant to s. 235.435(1), Florida Statutes. The Board of Regents shall have the authority to approve amendments to minor project lists in order to accomplish emergency repair projects. Emergency repair projects shall be limited to those projects which:

1. Correct hazardous conditions;
2. Result in prevention of further deterioration of facilities;
3. Accomplish repairs required to permit continued use of the facility.

(c) The sum of \$13,470,289 for the following projects as described on the April 17, 1984, amended Board of Regents 3 year priority list:

1. UCF - Library Building	264,000
2. UNF - Corrections, auditorium and Student Life Center	500,000
3. USF - Engineering Building	900,000
4. FAU/FIU - Downtown Tower	568,289
5. USF - Sarasota Library	238,000
6. UWF - Computer Center	200,000
7. SUS - Facilities Planning Study/ Master Plans	1,000,000
8. UF/FSU - Utilities Engineering Study	400,000
9. UF - Engineering Complex	9,400,000

(d) The sum of \$190,000 for planning a facility for the Immokalee Agricultural Research Center.

(e) The sum of \$2,140,000 for construction of a facility at the Homestead Agricultural Research Center.

Section 2. The remaining balance, plus interest, of the \$2,700,000 appropriated by the 1982 Legislature in section 4, chapter 82-240, Laws of Florida, to the Conservation and Renewable Energy Construction Account of the Public Education Capital Outlay and Debt Service Trust Fund is hereby appropriated for the original intent and purpose.

Section 3. The Legislature hereby directs the Department of Education to make adjustments to the K-12 Public Education Capital Outlay sum of the digits 1984-1985 allocation pursuant to the recommendations of the Auditor General to correct the 1982-1983 allocation that was based on the 1981-1982 sum of the digits calculation and as described in the Commissioner of Education's 1984-1985 Legislative Fixed Capital Outlay Budget Request.

Section 4. The Board of Regents, pursuant to s. 240.295(2)(a), Florida Statutes, and the University of Florida are hereby granted authority to accept funds for and to construct a museum of fine arts to be named the Sam Peebles Harm Museum of Fine Arts. The museum is to be constructed on university property in the area of the Florida State Museum.

Section 5. The Board of Trustees of Pasco-Hernando Community College is hereby granted authority to acquire property in the vicinity of Gower's Corners currently leased for law enforcement programs and property adjacent thereto. No funds appropriated by the Legislature shall be used to acquire this property.

Section 6. The Board of Trustees of Seminole Community College is hereby granted authority to acquire property contiguous to the current campus which is suitable and desirable for the proposed adult education complex. No funds appropriated by the Legislature shall be used to acquire this property.

Section 7. The State Board of Education is authorized to negotiate and recommend to the Legislature a plan which would result in the discharge of the loan agreement and amended lease between the State Board of Education, the Board of Regents, and the Board of Directors of Shands Teaching Hospital and Clinics, Inc. as currently required by Chapter 80-414, Section 1(15), Laws of Florida.

Section 8. The Legislature hereby directs the Department of Education to make adjustment to the final K-12 instruction units for 1980-1981 pursuant to the recommendations of the Auditor General and subsequently adjust the 1984-1985 allocation of funds derived from section 9(d), Art. XII of the State Constitution, as amended, and section 1(2)(b) of this appropriation.

Section 9. The sum of \$1,200,000 appropriated to Jacksonville WJCT-FM and TV for equipment grants in section 1,(1)(f)(5), Chapter 83-333, Laws of Florida, from the Public Education Capital Outlay and Debt Service Trust Fund, is hereby reduced by \$800,000 to an appropriation of \$400,000. The sum of \$800,000 is hereby appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for Jacksonville WJCT-FM and TV for costs related to the purchase, installation and operation of a new antenna, transmitter, and tower in cooperation with commercial stations WTVL and WJXT. This sum represents the full amount the state will contribute to this project.

Section 10. From the Capital Improvement Fee Trust Fund of the Public Education Capital Outlay and Debt Service Trust Fund appropriation in Section 2 (2)(x), Chapter 83-333, Laws of Florida, to the University of Central Florida for fieldhouse construction, the amount of \$2,914,500 is reduced by \$145,000. The sum of \$145,000 is hereby appropriated to the University of Central Florida from the Capital Improvement Fee Trust Fund for planning a multi-purpose competition world class track facility to be fully integrated into the existing athletic complex.

Section 11. This act shall take effect July 1, 1984.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to educational funding; providing appropriations for certain projects in the public school system, community colleges, and the state university system; authorizing the Board of Regents and the University of Florida to accept certain funds for the construction of a museum of fine arts; authorizing the Board of Trustees of Pasco-Hernando Community College and the Board of Trustees of Seminole Community College to acquire certain property; authorizing the State Board of Education to negotiate and approve an agreement to discharge the amended lease currently required by s. 1(15) of Chapter 80-414, Laws of Florida, as well as a financing mechanism for the construction of a new academic building by Shands Teaching Hospital and Clinics, Inc.; reducing an appropriation in Chapter 83-333 and appropriating funds for a new facility; reducing an appropriation in Chapter 83-333 and appropriating funds for a new purpose; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1302 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Childers, D.	Crawford	Dunn
Castor	Childers, W. D.	Deratany	Fox

Frank	Henderson	Langley	Plummer
Gersten	Hill	Malchon	Scott
Girardeau	Jenne	Mann	Stuart
Gordon	Jennings	Margolis	Thomas
Grant	Johnston	Meek	Vogt
Grizzle	Kirkpatrick	Neal	Weinstein

Nays—None

Vote after roll call:

Yea—Hair, McPherson, Rehm, Thurman

On motion by Senator Johnston, the rules were waived and HB 1302 was ordered immediately certified to the House.

On motion by Senator Henderson, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 519—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S.; exempting the installation and maintenance of certain water conditioning units from provisions regulating contracting; prohibiting political subdivisions from regulating operators of water conditioning services; providing an effective date.

—passed May 23.

Pending further consideration of CS for SB 519, on motion by Senator Henderson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 836 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform and Representative Galagher—

CS for HB 836—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S.; exempting the installation and maintenance of certain water conditioning units from provisions regulating contracting; prohibiting political subdivisions from regulating operators of water conditioning services; providing an effective date.

—was read the first time by title.

On motions by Senator Henderson, by two-thirds vote CS for HB 836, a companion measure, was substituted for CS for SB 519 and by two-thirds vote read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for HB 836 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Fox	Hill	Meek
Carlucci	Frank	Jenne	Neal
Castor	Gersten	Jennings	Plummer
Childers, D.	Girardeau	Johnston	Stuart
Childers, W. D.	Gordon	Kirkpatrick	Thomas
Crawford	Grant	Langley	Thurman
Deratany	Grizzle	Margolis	Vogt
Dunn	Henderson	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Hair, Rehm

CS for SB 519 was laid on the table.

On motion by Senator Grant, the rules were waived and the Senate immediately reconsidered the vote by which—

HB 1143—A bill to be entitled An act relating to the Baker County Hospital Authority; amending section 3 of chapter 28887, Laws of Florida, 1953, as amended, providing for the election of directors of the authority and expanding the number of directors; amending section 6 of chapter 28887, Laws of Florida, 1953, providing a salary; providing the authority with the power to dispose of real property or facilities; providing an effective date.

—passed May 23.

HB 1143 was read by title and failed to pass. The vote was:

Yeas—None

Nays—29

Beard	Gersten	Johnston	Scott
Carlucci	Girardeau	Kirkpatrick	Stuart
Castor	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Thurman
Crawford	Grizzle	Mann	Vogt
Deratany	Henderson	Margolis	
Fox	Hill	McPherson	
Frank	Jennings	Neal	

On motion by Senator Neal, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Neal, by two-thirds vote CS for SB 304 and CS for SB 254 were added to the special order calendar following SB 980.

SPECIAL ORDER

On motion by Senator Langley, by two-thirds vote CS for CS for HB 1126 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Langley—

CS for CS for HB 1126—A bill to be entitled An act relating to mobile homes; creating chapter 720, F.S., the “Florida Mobile Home Act”; providing rights with respect to mobile home tenancies and mobile home associations; providing for injunctive relief; creating provisions with respect to mobile home park restrictions, sale of mobile home parks and park owners’ obligations, mobile home rental agreements, eviction proceedings and mobile home subdivisions; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; providing for an annual fee to be paid by mobile home park owners; providing for certain disclosure with respect to contracts for the rental of a mobile home lot; restricting certain types of advertising; amending s. 20.16, F.S., redesignating the Division of Florida Land Sales and Condominiums as the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Statutory Revision Division of the Joint Legislative Management Committee to make appropriate changes in the Florida Statutes; amending s. 73.072, F.S., correcting a statutory cross-reference; repealing s. 83.750, F.S., relating to the short title of the “Florida Mobile Home Landlord and Tenant Act”; repealing s. 83.751, F.S., relating to the application of the act; repealing s. 83.752, F.S., relating to definitions; repealing s. 83.753, F.S., relating to rental agreements as an obligation of good faith; repealing s. 83.754, F.S., relating to unconscionable lot rental agreements; repealing s. 83.755, F.S., relating to prohibited or unenforceable provisions in mobile home lot rental agreements; repealing s. 83.756, F.S., relating to attorney’s fees; repealing s. 83.757, F.S., relating to the mobile home park owner’s access to mobile home and mobile home lot; amending s. 83.758, F.S., relating to the obligation of mobile home and mobile home park owners; repealing s. 83.759, F.S., relating to the grounds for eviction from a mobile home park and proceedings with respect thereto; repealing s. 83.7594, F.S., relating to the termination of a lease agreement; repealing s. 83.7597, F.S., relating to the removal of a mobile home owner; repealing s. 83.760, F.S., relating to the mobile home lease; repealing s. 83.7605, F.S., relating to the content of a mobile home park lease with respect to zoning; repealing s. 83.761, F.S., relating to civil remedies; repealing s. 83.762, F.S., relating to disclosure; repealing s. 83.763, F.S., relating to defenses to an action for rent or possession; repealing s. 83.764, F.S., relating to fees and rules; repealing s. 83.765, F.S., relating to restrictions on the disposal of a mobile home; repealing s. 83.795, F.S., relating to the right of mobile home owners to peaceably assemble; repealing s. 83.796, F.S., relating to the right of a mobile home owner to invite public officers or candidates for public office to the park; repealing s. 83.797, F.S., relating to injunctive relief; repealing s. 715.301, F.S., relating to tenant’s right of first refusal with respect to the sale of a mobile home park; repealing ss. 715.302 and 715.303, relating to mobile home homeowners’ associations and the bylaws thereof; amending s. 215.22, F.S., relating to creation of the Mobile Home Trust Fund; amending s. 418.304, F.S., revising conditions under which fees may be charged for use of recreational facilities by mobile home park recreation districts; providing effective dates.

—a companion measure, was substituted for CS for CS for SB 754 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for CS for HB 1126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Fox	Jenne	Scott
Beard	Frank	Jennings	Stuart
Carlucci	Gersten	Kirkpatrick	Thomas
Castor	Girardeau	Langley	Thurman
Childers, D.	Gordon	Malchon	Vogt
Childers, W. D.	Grant	Mann	Weinstein
Crawford	Grizzle	McPherson	
Deratany	Henderson	Meek	
Dunn	Hill	Neal	

Nays—1

Johnston

Vote after roll call:

Yea—Hair, Myers, Plummer, Rehm

CS for CS for SB 754 was laid on the table.

CS for SB 342—A bill to be entitled An act relating to prepaid health care service programs; amending s. 641.01, F.S., to apply the provisions of part III of chapter 641, F.S., to prepaid health clinics; amending s. 641.19, F.S., redefining certain terms relating to health maintenance organizations; amending ss. 641.22 and 641.225, F.S., clarifying minimum surplus requirements for such organizations; creating part III of chapter 641, F.S., relating to prepaid health clinics; providing a short title; providing intent; providing definitions; providing for the regulation of prepaid health clinics by the Department of Insurance and by the Department of Health and Rehabilitative Services; requiring and providing for the issuance of certificates of authority to operate a prepaid health clinic; providing surplus requirements for prepaid health clinics and exceptions thereto; providing restrictions relating to the use of health care providers; providing a penalty; providing for temporary restraining orders; providing grounds for revocation of a certificate of authority; providing for denial or revocation proceedings; providing for an administrative penalty; providing for transfer of ownership of a clinic; requiring annual reports; providing for examinations of such clinics; providing a civil remedy; providing insolvency protection to subscribers of such clinics; providing for fees; providing for construction and relationship with other laws; providing for regulation of prepaid health clinic contracts and rates, and providing standards with respect thereto; providing additional restrictions upon contracts and other materials; providing for the execution of contracts; providing for the validity of noncomplying contracts; providing for delivery of contracts; requiring notice of cancellation; providing a restriction on provider contracts; authorizing certain payments to prepaid health clinics; providing prohibition on the use of certain words; placing restrictions on the investment of funds by prepaid health clinics; providing for rules by the Department of Insurance and the Department of Health and Rehabilitative Services; providing penalties; specifying prohibited unfair methods of competition and unfair and deceptive acts or practices; providing penalties and remedies; providing investigative powers; providing enforcement procedures; providing for cease and desist and other orders; providing penalties for violation of such orders; providing for appeals; authorizing injunctive relief; providing certain civil liability; authorizing positions and appropriating moneys from the Insurance Commissioner’s Regulatory Trust Fund; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 4, line 6, strike “and”

Amendment 2—On page 4, line 10, strike the period (.) and insert: ; and

(d) Provides not more than 10 outpatient holding beds for short-term and hospice type patients in an ambulatory care facility for its members in order to fulfill its mandate to provide comprehensive health care services in a cost-effective manner. However, this authority extends only to those health maintenance organizations maintaining current accreditation by the Joint Commission on Accreditation of Hospitals (JCAH) or the Accreditation Association for Ambulatory Health Care (AAAHC).

Amendment 3—On page 6, between lines 12 and 13, insert:

Section 5. Subsection (4) is added to section 641.30, Florida Statutes, to read:

641.30 Construction and relationship to other laws.—

(4) *The provisions of part I of chapter 395, shall not apply to health maintenance organization outpatient holding beds as defined in s. 641.19(6)(d).*

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 641.30, F.S., exempting holding beds in health maintenance organizations from part I of chapter 395, F.S.;

On motion by Senator Gersten, by two-thirds vote CS for SB 342 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Barron	Fox	Jenne	Plummer
Beard	Frank	Jennings	Rehm
Carlucci	Gersten	Johnston	Stuart
Castor	Girardeau	Langley	Thomas
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grant	Mann	Vogt
Crawford	Grizzle	Margolis	Weinstein
Deratany	Henderson	McPherson	
Dunn	Hill	Neal	

Nays—None

Vote after roll call:

Yea—Hair, Myers

On motion by Senator Gersten, the rules were waived and CS for SB 342 after being engrossed was ordered immediately certified to the House.

CS for CS for HB 1187—A bill to be entitled An act relating to wetlands protection; creating part VIII of chapter 403, F.S., consisting of ss. 403.901-403.913, F.S., entitled the "Florida Wetlands Protection Act of 1984"; providing definitions; regulating the mining of peat; providing for the powers and duties of the Department of Environmental Regulation; providing for jurisdiction with respect to the wetlands; requiring permits for construction, dredging, and filling; providing criteria for permit issuance; providing criteria for permit review; providing for enforcement; providing for judicial review; providing for jurisdictional declaratory statements; providing for local governmental participation; providing for state sovereignty land applications; providing for agricultural activities; amending s. 193.023, F.S., relating to duties of the property appraiser; amending ss. 403.021, 403.061, and 403.816, F.S., including St. Petersburg within a list of locations required to maintain certain authorized water depths in channels, harbors, basins, and berths; amending s. 403.812, F.S., relating to permits for certain dredge and fill activities where the department has delegated certain functions to a water management district; amending s. 403.814, F.S., authorizing the department to provide for alternative notice procedures for certain routine and repetitive activities; ratifying and revising the vegetative index adopted pursuant to rule; creating a Vegetative Index Review Committee composed of 9 members; amending s. 253.03, F.S., providing for the review of applications for the use of state lands; amending s. 253.04, F.S., relating to the duty of the Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing for imposition of fines and award of damages; amending s. 253.77, F.S., prohibiting any person from commencing any excavation, construction, or other activity with respect to state land until required consent is obtained from the board; amending s. 403.031, F.S., redefining the term "waters" to include reference to the Everglades; repealing s. 253.123, F.S., relating to restrictions on dredging and filling; repealing s. 253.124, F.S., repealing s. 253.1245, F.S., relating to local control of fill projects relating to applications for filling land; repealing s. 253.76, F.S., relating to appeals of decisions by the Department of Environmental Regulation; directing the Department of Environmental Regulation to study the use of soils and plants as wetlands indicators; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Neal:

Amendment 1—On page 3, line 28, strike everything after the enacting clause and insert:

Section 1. Part VIII of chapter 403, Florida Statutes, consisting of sections 403.901, 403.902, 403.904, 403.905, 403.906, 403.907, 403.908, 403.909, 403.910, 403.911, 403.912, 403.913, and 403.915, Florida Statutes, is created to read:

PART VIII WATER RESOURCES PROTECTION

403.901 Short title.—This part shall be known and may be cited as the "Florida Water Resources Protection Act."

403.902 Definitions.—As used in this part:

(1) "Department" means the Department of Environmental Regulation.

(2) "Dredging" means the excavation, by any means, in waters. It also means the excavation, or creation, of a water body which is, or is to be, connected to waters, directly or via an excavated water body or series of excavated water bodies.

(3) "Filling" means the deposition, by any means, of materials in waters.

(4) For purposes of dredge and fill permitting activities by the department, "wetlands" are defined as those areas within department jurisdiction pursuant to s. 403.817.

403.904 Powers and duties.—Consistent with the powers, jurisdiction, and duties listed in s. 403.061, the department is authorized to adopt rules to carry out the provisions of this part, including appropriate regulatory provisions governing activities in waters to their landward extent pursuant to s. 403.817. Such rules may include stricter permitting and enforcement provisions within Outstanding Florida Waters, aquatic preserves, areas of critical state concern, and areas subject to chapter 380 resource management plans adopted by rule by the Administration Commission, when the plans for an area include waters particularly identified as needing additional protection, which are not inconsistent with the applicable rules adopted for the management of such areas by the department and the Governor and Cabinet. The department shall periodically review and reevaluate its permit application forms for activities regulated by this part to ensure that such forms efficiently and effectively meet the needs of the department and of applicants for permits.

403.905 Jurisdiction; permits required.—

(1) No person shall dredge or fill in, on, or over surface waters without a permit from the department, unless exempted by statute or department rule.

(2) The landward extent of waters shall be determined as provided in s. 403.817, except that the department may exert its jurisdiction to the ordinary or mean high water line of waters whenever the landward extent, if determined in accordance with ch. 17-4.022, Florida Administrative Code, occurs waterward of the ordinary or mean high water line. Determinations made pursuant to this subsection shall be to establish the department's regulatory jurisdiction and are not intended to be a delineation of the boundaries of lands for title purposes.

(3) When the department determines its jurisdiction based on dominant vegetation, the permit applicant or person requesting the jurisdictional determination, at his option, may request that the department, in cooperation with the U.S.D.A. Soil Conservation Service, determine whether hydric soils at the site corroborate the finding of jurisdiction based on vegetation. A request by an applicant that a soils assessment be made pursuant to this section shall toll the 90-day time period provided in s. 403.0876 to approve or deny the permit; that time shall begin to run again upon receipt by the department of the information provided by the Soil Conservation Service. Where the soils assessment indicates the presence of hydric soils in conjunction with dominant vegetation, the department shall be presumed to have jurisdiction. Where the soils assessment indicates the absence of hydric soils, the department shall be presumed not to have jurisdiction.

(4) Within those areas of the state where a water management district has been delegated stormwater permitting by the department, no dredge

or fill permit shall be required for the construction of, and dredging and filling in, irrigation or drainage ditches constructed in the uplands, including those connecting otherwise isolated areas owned entirely by one person and dominated by the plant indicator species adopted pursuant to s. 403.817. This exemption shall only apply to ditches where the point of connection to other waters of the state is no more than 35 square feet in total cross-sectional area and normally having a water depth of no more than 3 feet. The total cross-sectional area at the point of connection to other waters of the state shall be maintained by the landowner so as not to exceed the design limitations of this exemption. This exemption does not authorize dredging in waters of the state other than ditches as described herein. All applicable permits, except dredge and fill permits, shall be required for discharges to these ditches or connected areas. This exemption shall not apply to ditches in or connected to the waters described in s. 403.031(3)(a) and (b), Outstanding Florida Waters, Class I waters, or Class II waters.

(5) For the purposes of dredge and fill permitting, surface waters shall not include intermittent streams or intermittent tributaries, unless there is a continuation of jurisdiction as determined pursuant to ch. 17-4.022, Florida Administrative Code. Standard hydrological methods shall be used to determine intermittent streams and intermittent tributaries. An intermittent stream or tributary means a stream that flows only at certain times of the year, flows in direct response to rainfall, and is normally an influent stream except when the groundwater table rises above the normal wet season level. Those portions of streams or of tributaries which are intermittent and are located upstream of all nonintermittent portions of the stream or tributary shall not be subject to dredge and fill permitting.

(6) The expanded dredge and fill jurisdiction and permitting criteria granted to the department under this part shall not apply to developments where 30 percent or more of the lots in a subdivision approved for sale as homesites subsequent to January 1, 1970, pursuant to chapter 498, have been sold, or to residential developments for which a development order pursuant to s. 380.06 has been issued or residential developments which are exempt pursuant to s. 498.025(2)(a) and (4)(a), or to activities for which a dredge and fill permit has been issued by the department prior to the effective date of this act. Developments and activities meeting the conditions previously described shall continue to be regulated pursuant to the department's dredge and fill jurisdiction as it existed prior to January 24, 1984. Dredge and fill permit applications relating to such developments and activities meeting the conditions previously described shall be reviewed by the department using the permit criteria as it existed prior to January 24, 1984, for 12 months after the department adopts a rule implementing this part. Dredge and fill permit applications filed 12 months after the department adopts its rules implementing this part shall be subject to the permit criteria established by this chapter. Developments and activities meeting the conditions previously described and which assert that they are qualified under this provision shall notify the department of their assertion within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision.

(7) As to other developments whose lands were approved for sale, pursuant to chapter 498, prior to the effective date of this part, the department shall give special consideration to applications for dredge and fill permits where the lands subject to the permit application constitute a part of the contractual obligations of the applicant incurred pursuant to land sales contracts, and where there has been a continuing, bona fide effort since the date of recording said plat to fulfill the plan of development set forth in the plat and undertaken by the terms of said contractual obligations. Developments and activities which assert that they are qualified for the special consideration shall notify the department within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision.

(8) The expanded dredge and fill jurisdiction granted to the department under this part shall not apply to any sand, limerock, or limestone mining activity currently operating in compliance with department rules or for which the department previously determined no jurisdiction in areas east of the Dade-Broward levee or which holds a department permit on the effective date of this part. Such sand, limerock, or limestone mining activity shall continue to be regulated pursuant to the department's dredge and fill jurisdiction as it existed prior to January 24, 1984, for a period of 10 years from the effective date of this act, provided such

activity is continuous and carried out on land contiguous to mining operations existing on or before the effective date of this act. Any lands acquired or leased subsequent to July 1, 1984 for such mining activity shall not be subject to the provisions of this subsection. Dredge and fill permit applications related to such activities shall be reviewed by the department using the existing permit criteria set forth in Rule 17-4, Florida Administrative Code, as of January 24, 1984, for 12 months after the department adopts a rule implementing this part, at which time subsequently filed permit applications shall be subject to the permit criteria of this part. Such mining activities which assert that they are qualified under this provision shall notify the department within 180 days after the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision. All such sand, limerock, or limestone mining activities shall be subject to jurisdiction under this part for any activities carried out after 10 years from the effective date of this act.

(9) A permit issued under this part shall be valid for a period not to exceed 10 years. However, the department may issue permits for a period not to exceed 25 years if the applicant provides the department with reasonable assurances that:

(a) The activity for which the permit is granted cannot reasonably be expected to be completed within 10 years after commencement of construction; or

(b) The activity will cover an area of such size which, if permitted by separate permits, would not allow the department to accurately assess the total impact of the project and the potential for mitigation or restoration;

and the applicant supplies the department with sufficient information to allow the department to accurately assess the impact of the project for the permitted period.

(10) Notwithstanding the provisions of chapter 120, for permits which will be granted for periods of more than 10 years, the department shall adopt by rule a timetable for processing such permits. In no event shall the timetable exceed 135 days after receipt of a complete application.

(11) Permits issued for a period of time in excess of 5 years shall be reviewed at the expiration of the first 5-year period and every 5 years thereafter:

(a) To assure that the conditions of the permit are being met by the applicant, and

(b) To automatically include as permit conditions all applicable rules adopted during the prior 5-year period.

If the permit applicant has acted in reliance upon a permit issued for a period of 10 years or more, paragraph (b) shall not apply until the expiration of the initial 10-year period.

(12) The department is authorized to establish appropriate fees for projects which seek permits for a period of time to exceed 5 years on a sliding scale, based on the duration of the permit, with a minimum fee of \$1,250 and a maximum fee of \$25,000, such funds to be deposited in the Florida Permit Fee Trust Fund created by s. 403.0871.

(13) The provisions of this part shall not apply to any application which was complete prior to the effective date of this act, unless the applicant chooses to come under this part.

(14) Subsections (9), (10), and (11), shall not apply to permits issued pursuant to s. 403.816 or s. 403.813(1)(f).

(15) Issuance of a permit under this part does not relieve the applicant from the requirement of obtaining any other permit which may be required under the other provisions of this chapter.

403.906 Criteria for granting or denying permits.—

(1) No permit shall be issued under this part unless the applicant provides the department with reasonable assurance that water quality standards will not be violated. The department, by rule, shall establish water quality criteria for wetlands within its jurisdiction, which give appropriate recognition to the water quality of such wetlands in their natural state.

(2) No permit shall be issued under this part unless the applicant provides the department with reasonable assurance that the project is not

contrary to the public interest. However, for projects which significantly degrade or are within an Outstanding Florida Water, as provided by department rule, the applicant shall provide reasonable assurance that the project will be clearly in the public interest. In determining whether a project is not contrary to the public interest, or clearly in the public interest, the department shall consider and balance the following criteria:

- (a) Whether the project will adversely affect the public health, safety, or welfare or property of others;
- (b) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- (c) Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- (d) Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
- (e) Whether the project will be of a temporary or permanent nature;
- (f) Whether the project will adversely affect or enhance significant historical and archaeological resources under the provisions of s. 267.061; and
- (g) The current condition and relative value of functions being performed by areas affected by the proposed activity.

If the applicant is unable to otherwise meet the criteria set forth in this subsection, the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the department shall consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Reclamation and restoration programs conducted pursuant to s. 211.32 may be considered as mitigation to the extent that they restore or improve the water quality and the type, nature, and function of biological systems present at the site prior to the commencement of mining activities.

(3) In the event that the department issues a notice of intent to deny a permit or denies a permit required pursuant to this part, said notice or denial shall contain an explanation by the department of the reasons for denial and an explanation, in general terms, of what changes, if any, in the permit application are necessary in order for the department to approve the proposed project.

(4) It is the intent of the Legislature to provide for the use of certain waters as a natural means of stormwater management and to incorporate these waters into comprehensive stormwater management systems where such use is compatible with the ecological characteristics of such waters and sound resource management. To accomplish this, within 6 months following the effective date of this act, the department shall, by rule, establish performance standards for the issuance of stormwater permits for the use of certain waters for stormwater management. Compliance with such standards shall create a presumption in favor of the issuance of the stormwater management permit. Performance standards shall be adopted for waters which are dominated by those plant species listed pursuant to s. 403.817 and:

- (a) Which are connected to other watercourses by artificial watercourses; or
 - (b) Which are connected to other waters solely by an intermittent watercourse.
- (5) It is the intent of the Legislature to provide for the use of certain waters that are dominated by those plant species listed pursuant to s. 403.817 to receive and treat domestic wastewater that has been treated to at least secondary standards. The department shall, by rule, establish criteria for this activity which protect the type, nature, and function of the wetlands receiving the wastewater.

403.907 Equitable distribution.—The department, in deciding whether to grant or deny a permit for an activity which will affect waters, shall consider:

- (1) The impact of the project for which the permit is sought;

(2) The impact of projects which are existing or under construction, or for which permits or jurisdictional determinations have been sought;

(3) The impact of projects which are under review, approved, or vested pursuant to s. 380.06, or other projects which may reasonably be expected to be located within the jurisdictional extent of waters, based upon zoning regulations established by the local government, or, when the local government has not adopted zoning regulations for the area, based upon the local government comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act of 1975, as amended.

403.908 Enforcement.—

(1) Violations of the requirements of this part or rules or permits or orders issued hereunder by the department or approved local programs shall be punishable by civil penalty as provided in s. 403.141 or criminal penalty as provided in s. 403.161.

(2) The department or any approved local program may seek to enjoin the violation of or enforce compliance with the provisions of this part or rules or permits or orders issued hereunder as provided in ss. 403.121, 403.131, 403.141, and 403.161.

(3) Permits issued under this part may be revoked for the same grounds as are provided in s. 403.087.

(4) The department or the Board of Trustees of the Internal Improvement Trust Fund shall have the authority to direct an abutting upland owner to remove from submerged sovereignty or state-owned lands any fill created in violation of this part, except that the department or the Board of Trustees of the Internal Improvement Trust Fund may consider the time at which the submerged land was filled, the length of upland ownership by the current owner, and any other equitable consideration. In the event that the abutting upland owner does not remove such fill as directed, the department or board may remove it at its own expense, and the costs thereof shall become a lien upon the property of such abutting upland owner. However, the department and board may, if they choose, allow such fill to remain as state-owned land, and may employ a surveyor to determine the boundary between such state land and that of the abutting upland owner. The amount of cost of such survey shall become a lien on the property of the abutting upland owner. Nothing herein shall be construed to grant the department or the board authority to direct an upland owner to adjust, alter, or remove silt, fill, or other solid material which has accumulated or been deposited seaward of his property through no fault of the owner.

403.909 Judicial review.—Final department actions under this part shall be reviewed pursuant to chapter 120.

403.910 Jurisdictional declaratory statements.—

(1) Before applying for a permit to dredge or fill, a property owner, an entity having power of eminent domain, or other person with a legal or equitable interest in property may petition the department for a declaratory statement of the department's dredge and fill jurisdiction. The department shall, by rule, specify information which must be provided and may require authorization to enter upon the property. The department may require a fee of at least \$250 and not more than \$10,000 to cover the direct costs of acting upon the petition. The fee shall be based, by rule, upon the size and environmental complexity of the site for which a jurisdictional declaratory statement is sought.

(a) Within 30 days of receipt of a petition for a jurisdictional declaratory statement, the department shall notify the applicant of any additional information which may be necessary. The department shall complete the assessment and issue notice of the proposed agency action within 60 days of receipt of a complete petition. The notice shall be published by the petitioner in the Florida Administrative Weekly. The provisions of ss. 120.57 and 120.59 shall be applicable to declaratory statements under this section. Persons whose substantial interests will be affected may petition for hearing within 14 days of publication of notice. If no petition for hearing is filed, the department shall issue the jurisdictional declaratory statement within 10 days.

(b) Such jurisdictional declaratory statements shall be binding for a period of 24 months so long as physical conditions on the site do not change so as to alter jurisdiction during this time period.

(c) A petitioner who disputes the proposed agency action may withdraw the petition without prejudice at any point prior to final agency action.

(d) The department may revoke its jurisdictional declaratory statement if it finds that the petitioner has submitted inaccurate information in the petition.

(2) The department may also issue informal preapplication jurisdictional determinations or otherwise institute jurisdictional determinations on its own initiative as provided by law.

(3) A jurisdictional declaratory statement obtained pursuant to this section shall be final agency action and shall be in lieu of a declaratory statement of jurisdiction obtained pursuant to s. 120.565.

403.911 Local participation.—

(1) Within 10 days after receipt of an application for a permit pursuant to this part, the department shall transmit a copy of the application by certified mail to the chief executive officer of each county or municipality which has jurisdiction over the area for which the permit is requested.

(2) The county and municipality shall have the opportunity to file objections to short-form dredge and fill permit applications within 14 days after receipt of the application from the department, but shall have up to 60 days to file objections to all other dredge and fill permit applications, and shall have the opportunity to participate as a party to the proceeding and may request a hearing pursuant to s. 120.57 within 14 days after a notice of intent to issue a permit being sent to the county and municipality by the department.

(3) Nothing in this part shall alter or modify the powers of local government, or preclude a local government from adopting a dredge and fill regulatory program, provided the local government program is first approved by the department pursuant to s. 403.182.

403.912 State sovereignty land applications.—If sovereignty or other lands owned by the state are the subject of a proposed activity, the department's issuance of a permit shall be conditioned upon the applicant receiving all necessary approvals and authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to the undertaking of such activities. The department shall issue its permit conditioned upon the applicant securing the necessary consent or approvals from the Board of Trustees of the Internal Improvement Trust Fund. If the board's approval or authorization is required, the applicant may not commence any excavation, construction, or other activity until such approval or authorization has been issued.

403.913 Agricultural activities.—

(1) The Legislature recognizes the great value of farming and forestry to this state and that continued agricultural activity is compatible with wetlands protection. In order to avoid unnecessary expense and delay from duplicative programs, it is the intent of the Legislature to provide for the construction and operation of agricultural water management systems under authority granted to water management districts and to control the ultimate discharge from agricultural water management systems by the department or by delegation of authority to water management districts.

(2) Agricultural activities and agricultural water management systems are authorized by this section and shall not be subject to the provisions of s. 403.087 or this part, nor shall the department enforce water quality standards within an agricultural water management system. The department may require a stormwater permit or appropriate discharge permit at the ultimate point of discharge from one or a group of connected agricultural water management systems. Impacts of agricultural activities and agricultural water management systems on groundwater quality shall be regulated by water management districts.

(3) As used in this section:

(a) "Agricultural activities" includes all normal and necessary farming and forestry operations as are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, harvesting, construction of access roads, and placement of bridges and culverts, provided such operations do not impede or divert the flow of surface waters.

(b) "Agricultural water management systems" means farming and forestry water management or irrigation systems and farm ponds permitted pursuant to chapter 373 or exempt from the permitting provisions of that chapter.

(4) If land served by a water management system is converted to a use other than agriculture, then the water management system or the portion of the system serving that land shall be subject to the provisions of this chapter.

403.915 Wetlands monitoring system.—

(1) The department, in cooperation with the Water Management Districts and other state agencies, shall establish a central wetlands monitoring system that will:

(a) Determine the general location and acreages of wetland areas in the state;

(b) Identify impacts to and losses of wetlands due to permits issued either by the department or the water management districts, and identify known losses of wetlands from unregulated or exempted activities, or from changes in natural conditions;

(c) Compile and maintain a statistical record of all action taken on permits, including the number granted, denied or withdrawn, and the area permitted to be disturbed, and, where applicable, the acreage preserved or reforested as mitigation or permit conditions.

It is the intent of the Legislature that the department utilize existing available information to the greatest extent practicable in developing this inventory of wetlands, including Landsat digital data, federal agency data, and data currently in the possession of the department, the water management districts, and other state, regional, or local agencies. The department shall annually prepare a report reflecting the information requested in paragraphs (b) and (c), to be delivered to the Legislature on or before February 1 of each year. The information contained in this report shall not be used for regulatory purposes.

(2) The sum of \$50,000 is appropriated from the General Revenue Fund to the Department of Environmental Regulation to carry out the purposes of this section.

Section 2. Section 403.265, Florida Statutes, is created to read:

403.265 Peat mining.—

(1) Definitions.—As used in this section:

(a) "Agricultural use of peat" means peat used as a soil medium, additive, enhancer, or fertilizer.

(b) "Peat" means a dark brown or black residuum produced by the partial decomposition and disintegration of mosses, sedges, trees, and other plants that grow in marshes and other wet places.

(c) "Peat mining activity" means the extraction of peat or peat soils for sale or consumption, or the disturbance of vegetation or soils in anticipation of the extraction of peat or peat soils for sale or consumption. For the purposes of this part, "peat mining activity" shall not include the removal of peat or peat soils for construction activities or the removal of overburden for other mining activities.

(d) "Peat soil" means soil containing at least 75 percent dry weight of peat material. Such soil is rich in humus and gives an acid reaction.

(2) Department permits authorizing the mining of peat or peat soils or any "mining activity" associated with the anticipation of the extraction of peat or peat soils for sale or consumption shall require the permittee to institute and complete a reclamation program for the area mined which includes the following factors:

(a) Control of the physical and chemical quality of the water draining from the mining area;

(b) Soil stabilization, including contouring and vegetation;

(c) Elimination of health and safety hazards;

(d) Conservation and preservation of remaining natural resources; and

(e) Time schedule for the completion of the program and the various phases thereof.

The mining of peat or peat soils of less than five acres per year, and all "peat mining activities" for the agricultural use of peat are exempt from the provisions of this section.

(3) Consistent with the powers and duties listed in s. 403.904, the department may adopt rules governing the mining of peat, including stricter permitting and enforcement provisions for the mining for sale or consumption of peat or peat soils within or contiguous to the areas designated as Outstanding Florida Waters, or under consideration by the Environmental Regulation Commission for such designation on April 1, 1984.

(4) Nothing in this section shall limit the department's permitting authority to regulate peat mining pursuant to other provisions of this chapter.

Section 3. Subsection (5) is added to section 193.023, Florida Statutes, to read:

193.023 Duties of the property appraiser in making assessments.—

(5)(a) *If the Department of Environmental Regulation issues or denies any permit to dredge, fill, or otherwise construct in or on waters of the state, as defined in chapter 403, to their landward extent as determined under s. 403.817(2), the property appraiser is expressly directed to consider the effect of such issuance or denial on the value of said property and any limitation such issuance or denial may impose on the highest and best use of the property to its landward extent.*

(b) *The Department of Environmental Regulation shall provide the property appraiser of each county where such property is situated a copy of any final agency action relating to said permit applications.*

(c) *The provisions of paragraph (a) shall not apply if:*

1. *The property owner had no reasonable basis for expecting approval of the permit application; or*

2. *The permit application was denied because of an incomplete filing, failure to meet an applicable deadline, or failure to comply with administrative or procedural requirements.*

Section 4. Paragraph (b) of subsection (9) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized channel depths is an ongoing, continuous, beneficial, and necessary activity; and it shall develop a regulatory process which shall enable the ports of this state to conduct such activities in an environmentally sound, expeditious, and efficient manner.

(b) The provisions of paragraph (a) shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

Section 5. Subsection (26) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—

(26)(a) Develop standards and criteria for waters used for deepwater shipping which standards and criteria consider existing water quality; appropriate mixing zones and other requirements for maintenance dredging in previously constructed deepwater navigation channels, port harbors, turning basins, or harbor berths; and appropriate mixing zones for disposal of spoil material from dredging and, where necessary, develop a separate classification for such waters. Such classification, standards, and criteria shall recognize that the present dedicated use of these waters is for deepwater commercial navigation.

(b) The provisions of paragraph (a) shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

Section 6. Subsection (1) of section 403.812, Florida Statutes, is amended to read:

403.812 Delegation of functions to water management districts.—

(1) ~~By October 1, 1984, The department may shall delegate, to those water management districts that it finds to be financially and technically capable of implementing the delegation, its powers and duties pertaining to the administration of its "Regulation of Stormwater Rule." Where the stormwater rule is delegated to a water management district, the department shall not require a permit for dredge and fill activities required for the connection of stormwater management facilities to waters and which are incidental to the construction of such facilities. For purposes of dredge and fill regulation, waters shall not include those contained within artificially constructed stormwater treatment and conveyance systems designed solely for the purpose of stormwater treatment and which are regulated by the department or a water management district to whom the responsibility for stormwater regulation has been delegated. However, no later than October 1, 1984, the department shall delegate such powers and duties to the South Florida Water Management District and the Southwest Florida Water Management District.~~

Section 7. Subsection (4) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(4) *Notwithstanding the procedures set forth in subsections (1) and (2), the department may specify, by rule, alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities, or are activities of another state agency.*

Section 8. Subsection (4) of section 403.816, Florida Statutes, is amended to read:

403.816 Permits for maintenance dredging of deepwater ports.—

(4) The provisions of this section shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

Section 9. Pursuant to s. 403.817, Florida Statutes, the Legislature hereby ratifies the rule adopted on January 25, 1984, by the Environmental Regulation Commission with the following changes:

(1) In Rule 17-4.022(2), Florida Administrative Code, the following shall be removed: *Blechnum serrulatum; Carex leptalea; Carex stipitata; Carya aquatica; Conocarpus erectus; Crataegus viridis; Cymodocea filiformis; Cyperus odoratus; Dichromena spp.; Dryopteris ludoviciana; Gleditsia aquatica; Gratiola ramosa; Halodule beaudettei; Hypericum fasciculatum; Illicium floridanum; Liriodendron tulipifera* in all counties south of Taylor, Lafayette, Suwannee, Columbia, Baker and Duval; *Lycopus rubellus; Myrica inodora; Osmunda spp.; Panicum repens; Panicum virgatum; Pluchea spp.; Polygala cymosa; Populus deltoides; Rhexia*, all species except *R. alifanus, R. lutea, R. mariana, R. petiolata*, and *R. virginica; Sabatia bartramii; Sarracenia spp.; Schizachyrium rhizomatum; Sesuvium maritimum; Sesuvium portulacastrum; Spartina spp.; Thalassia testudinum; and Woodwardia spp.*

(2) In Rule 17-4.022(2), Florida Administrative Code, the following shall be added: *Muhlenbergia capillaris; Muhlenbergia schreberi; Osmunda regalis; Rhexia parviflora; Rhexia salicifolia; and Spartina*, all species except: *S. bakerii*.

(3) In Rule 17-4.022(3), Florida Administrative Code, the following shall be removed: *Acer spp.; Baccharis halimifolia; Carya glabra*, in all counties west of Dixie, Gilchrist and Columbia; *Cliftonia monophylla; Cyrilla racemiflora; Liriodendron tulipifera*, in all counties north and west of and including Taylor, Lafayette, Suwannee, Columbia, Baker and Duval; *Melaleuca quinquenervia; Muhlenbergia spp.; Rhexia alifanus; Rhexia lutea; Rhexia mariana; Rhexia petiolata; Rhexia virginica; Sabal palmetto; Schinus terebinthifolius; and Ulmus spp.*

(4) In Rule 17-4.022(3), Florida Administrative Code, the following shall be added: *Acer rubrum; Acer saccharinum; Acer negundum; Blechnum serrulatum; Carex leptalea; Carex stipitata; Carya aquatica;*

Conocarpus erectus; Crataegus viridis; Cyperus odoratus; Dichromena spp.; Dryopteris ludoviciana; Gleditsia aquatica; Gratiola ramosa; Hypericum fasciculatum; Illicium floridanum; Liriodendron tulipifera; Lycopodium rubellus; Myrica inodora; Osmunda cinnamomea; Panicum repens; Panicum virgatum; Pluchea spp.; Polygala cymosa; Populus deltoides; Rhexia, all species except: R. parviflora and R. salicifolia; Sabatia bartramii; Sarracenia spp.; Schizachyrium rhizomatum; Sesuvium maritimum; Sesuvium portulacastrum; Spartina bakerii; Ulmus, all species except U. rubra; and Woodwardia spp.

(5) In Rule 17-4.022(1)(d), Florida Administrative Code, the following sentences shall be added: "If both parties agree to use more than one stratum, the following methods for a combination of strata shall be used in a manner to ensure that sufficient representative data will be generated. The methods described in subparagraphs (c)1., 2., and 3. shall be used for the appropriate strata. The percentages obtained shall be added and the sum divided by the number of strata examined. The number generated by this procedure shall be substituted for areal extent in paragraph (a) or paragraph (b) above. When a combination of strata is used, the following shall be added to Rule 17-4.022(2), Florida Administrative Code: Blechnum serrulatum, Carex leptalea, Carex stipitata, Crataegus viridis, Osmunda spp., Pluchea spp., and Woodwardia spp. Concurrently the following shall be added to Rule 17-4.022(3), Florida Administrative Code: Axonopus furcatus, Flaveria spp., Metopium toxiferum, Myrica cerifera, Sabal minor, and Symplocos tinctoria."

(6) Cliftonia monophylla, Cyrilla racemiflora, Melaleuca quinquenervia, Sabal palmetto, and Schinus terebinthifolius shall not be considered submerged, transitional, or upland species. In areas vegetated by any of these five species, the department shall determine the landward extent of waters using the remaining plant species or other indicators of regular and periodic inundation as provided in Rule 17-4.022(1), Florida Administrative Code.

(7) In all areas of the state, the landward extent of waters shall be demarcated by Rule 17-4.022, Florida Administrative Code; provided, however, in no case shall the landward extent of said waters extend above the elevation of the one in 10-year recurring flood event or the area of land with standing or flowing water for more than 30 consecutive days per year calculated on an average annual basis, whichever is more landward. The extent of the flood line shall be developed by appropriate engineering techniques, and a description of the surveyed line shall be prepared and certified by a professional land surveyor registered in this state. The burden for determining the surveyed flood line shall be with the party wishing to use this alternative. Notwithstanding the above, for waters which are saline or brackish, or for rivers whose major source of flow is from springs, the landward extent of waters shall be demarcated solely by Rule 17-4.022, Florida Administrative Code. The provisions of this subsection shall not operate to reduce the landward extent of the jurisdiction of the department as it existed prior to January 24, 1984.

(8) There is created a Vegetative Index Review Committee composed of nine members. Three members shall be appointed by the President of the Senate, three members shall be appointed by the Speaker of the House, and three members shall be appointed by the Governor. Membership shall be representative of, but not limited to, interested groups as well as individuals possessing technical knowledge concerning agriculture, real estate, local government, the environment, the construction industry, and manufacturing and shall include lay citizens. The members shall be appointed by October 1, 1985, and their terms shall expire March 31, 1986. The Governor shall appoint the chairman. The members shall serve without compensation but shall be paid travel and per diem as provided in s. 112.061, Florida Statutes, while in the performance of their official duties. Administrative, personnel, and other support services necessary for the committee shall be furnished by the Department of Environmental Regulation. The Vegetative Index Review Committee shall review the operation of a vegetative index Rule 17-4.022, Florida Administrative Code, as amended by this part. The committee shall also review the operation of the 10-year floodplain and soils limitation on jurisdiction and recommend any changes necessary to ensure that the jurisdiction of the department under the vegetative list previously in effect has not been lessened. The committee shall prepare a report to be submitted to the Governor, Speaker of the House, and President of the Senate. The report shall be submitted by March 1, 1986, after public hearings, and shall contain information and data on jurisdictional determinations and other relevant information which may aid the Legislature in evaluating the scope and impact of the vegetative index. The report shall contain recommendations on modifications which the committee feels should be made to the vegetative index.

Section 10. Subsection (13) is added to section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(13) *Within 30 days after receipt of an application for use of state-owned submerged lands in connection with a chapter 403 permit, including a purchase, lease, easement, disclaimer, or other consent to use such lands requiring the Board of Trustees of the Internal Improvement Trust Fund action, the Division of State Lands shall review any such application or request, and shall request submittal of all additional information necessary to process the application. Within 30 days after receipt of such additional information, the division shall review the information submitted and may request only that information needed to clarify such additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, such additional information. Application for the authority to use state-owned submerged land requiring board action shall be submitted to the board for their approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time-frame shall be tolled by any public hearing and notice requirements held pursuant to s. 253.115, or any hearings pursuant to s. 120.57. If the review of the application is not completed within the 90-day period, the division shall submit in the department's quarterly report to the board the reasons for not completing the review of the application and an estimated date by which the application shall be submitted to the board for its action.*

Section 11. Section 253.04, Florida Statutes, is amended to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(1) *The Board of Trustees of the Internal Improvement Trust Fund may police, protect, conserve, improve; prevent trespass, damage, or depredation upon the lands and the products thereof, on or under the same, owned by the state as set forth in s. 253.03. Said board may bring in the name of the board all suits in ejectment, suits for damage, and suits in trespass, which in the judgment of the said board may be necessary to the full protection and conservation of the said lands, or take such other action or do such other things as may in the judgment of the board be necessary for the full protection and conservation of the said lands, and the state may join with the said board in any action or suit, or take part in any proceeding, when it may deem necessary, in the name of this state through the Department of Legal Affairs.*

(2) *In lieu of seeking monetary damages pursuant to subsection (1) against any person or agent of any person who has been found to have willfully damaged lands of the state, the ownership or boundaries of which have been established by the state, or willfully damaged or removed products thereof in violation of state or federal law, or knowingly refused to comply with or willfully violated the provisions of this chapter, the board may impose a fine for each offense in an amount up to \$10,000 to be fixed by rule and imposed and collected by the board in accordance with the provisions of chapter 120. Each day during any portion of which such violation occurs shall constitute a separate offense. This subsection shall not apply to any act or omission which is currently subject to litigation wherein the state or any agency of the state is a party as of the effective date of this act or to any person who holds such lands under color of title. Nothing contained herein shall impair the rights of any person to obtain a judicial determination in a court of competent jurisdiction of said person's interest in lands that are the subject of a claim or proceeding by the department under this subsection.*

(3) *Whenever any person or agent of any person knowingly refuses to comply with or willfully violates any of the provisions of this chapter so that such person causes damage to the lands of the state or products thereof, including removal of those products, such violator shall be liable for such damage. Whenever two or more persons or their agents cause damage, and if said damage is indivisible, each violator shall be jointly and severally liable for said damage; however, if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage and subject to the fine attributable to his violation.*

(4) *All fines imposed hereunder and damages awarded shall be a lien upon the real and personal property of the violator or violators, enforceable by the Department of Natural Resources as statutory liens under chapter 85.*

(5) All moneys collected pursuant to fines imposed or damages awarded shall be deposited in the Internal Improvement Trust Fund created by s. 253.01 and used for the purposes defined therein.

Section 12. Subsection (1) of section 253.77, Florida Statutes, is amended to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested.—

(Substantial rewording of subsection. See s. 253.77(1), F.S., for present text.)

(1) No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.

Section 13. Subsection (3) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant thereto, the words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

(3) "Waters" shall include, but not be limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. *Solely for purposes of this chapter, waters of the state shall also include the area bounded by the following:*

(a) Commence at the intersection of State Road (SRD) 5 (U.S. 1) and the county line dividing Dade and Monroe Counties, said point also being the mean high water line of Florida Bay, located in Section 4, Township 60 South, Range 39 East of the Tallahassee Meridian for the Point of Beginning.

From said Point of Beginning, thence run northwesterly along said SRD 5 to an intersection with the north line of Section 18, Township 58 South, Range 39 East, thence run westerly to a point marking the southeast corner of Section 12, Township 58 South, Range 37 East, said point also lying on the east boundary of the Everglades National Park, thence run north along the east boundary of the aforementioned Everglades National Park to a point marking the northeast corner of Section 1, Township 58 South, Range 37 East, thence run west along said park to a point marking the northwest corner of said Section 1, thence run northerly along said park to a point marking the northwest corner of Section 24, Township 57 South, Range 37 East, thence leaving said Everglades National Park continue north to a point marking the northeast corner of Section 26, Township 55 South, Range 37 East, thence run West along the North line of Section 26 to the Northwest corner of Section 26, thence run north along the west line of Section 23 to the Northwest corner of Section 23, thence run easterly along the north line of Section 23 to the Northeast corner of Section 23, thence run north along the west line of Section 13 to the Northwest corner of Section 13 thence run east along the north line of Section 13 to a point of intersection with the west line of the Southeast 1/4 of Section 12, thence run north along the West line of the Southeast 1/4 of Section 12 to the Northwest corner of the Southeast 1/4 of Section 12, thence run east along the North line of the Southeast 1/4 of Section 12 to the point of intersection with the east line of Section 12, thence run east along the South line of the Northwest 1/4 of Section 7 to the Southeast corner of Northwest 1/4 of Section 7, thence run north along the east line of the Northwest 1/4 of Section 7 to the point of intersection with the north line of Section 7 thence run northerly along the west line of the Southeast 1/4 of Section 6 to the Northwest corner of the Southeast corner of Section 6, thence run east along the north lines of the Southeast 1/4 of Section 6, and the Southwest 1/4 of Section 5 to the Northeast corner of the Southwest 1/4 of Section 5, thence run northerly along the east line of the Northwest 1/4 of Section 5 to the point of intersection with the North line of Section 5, thence run Northerly along the line dividing the East one-half and the West one-half of Lot 5 to a point intersecting the North line of Lot 5, thence run east along the North line of Lot 5 to the Northeast

corner of Lot 5, Township 54 1/2 South, Range 38 East; thence running north along the west line of Section 33, Township 54 South, Range 38 East to a point intersecting the Northwest corner of the Southwest 1/4 of Section 33, thence run easterly along the north line of the Southwest 1/4 of Section 33 to the Northeast corner of the Southwest 1/4 of Section 33, thence run north along the West line of the Northeast 1/4 of Section 33 to a point intersecting the North line of Section 33, thence run easterly along the North line of Section 33 to the Northeast corner of Section 33, thence run northerly along the West line of Section 27 to a point intersecting the Northwest corner of the Southwest 1/4 of Section 27, thence run easterly to the northeast corner of the southwest 1/4 of Section 27, thence run northerly along the West line of the Northeast 1/4 of Section 27 to a point intersecting the North line of Section 27 thence run West along the North line of Section 27 to the Northwest corner of Section 27, thence run North along the West lines of Sections 22 and 15 to the Northwest corner of Section 15, thence run easterly along the North lines of Sections 15 and 14 to the point of intersection with the L-31 N Canal, said intersection located near the southeast corner of Section 11, Township 54 South, Range 38 East, thence run northerly along Levee L-31 N crossing SRD 90 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-31N, L-29 and L-30, said intersection located near the southeast corner of Section 2, Township 54 South, Range 38 East, thence run northeasterly, northerly and northeasterly along L-30 to a point of intersection with the Dade/Broward Levee, said intersection located near the northeast corner of Section 17, Township 52 South, Range 39 East, thence run due east to a point of intersection with SRD 27 (Krome Ave.), thence run northeasterly along SRD 27 to an intersection with SRD 25 (U.S. 27), said intersection located in Section 3, Township 52 South, Range 39 East, thence run northerly along said SRD 25, entering into Broward County, to an intersection with SRD 84 at Andytown, thence run southeasterly along the aforementioned SRD 84 to an intersection with the southwesterly prolongation of Levee L-35A, said intersection being located in the northeast one-quarter (1/4) of Section 5, Township 50 South, Range 40 East, thence run northeasterly along Levee L-35A to an intersection of Levee L-36, said intersection located near the southeast corner of Section 12, Township 49 South, Range 40 East, thence run northerly along Levee L-36, entering into Palm Beach County, to an intersection common to said Levees L-36, L-39, and L-40, said intersection located near the west quarter corner of Section 19, Township 47 South, Range 41 East, thence run northeasterly, easterly and northerly along Levee L-40, said Levee L-40 being the easterly boundary of the Loxahatchee National Wildlife Refuge, to an intersection with SRD 80 (U.S. 441), said intersection located near the southeast corner of Section 32, Township 43 South, Range 40 East, thence run westerly along the aforementioned SRD 80 to a point marking the intersection of said road and the northeasterly prolongation of Levee L-7, said Levee L-7 being the westerly boundary of the Loxahatchee National Wildlife Refuge, thence run southwesterly and southerly along said Levee L-7 to an intersection common to Levees L-7, L-15 (Hillsboro Canal) and L-6, thence run southwesterly along Levee L-6 to an intersection common to Levee L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being located near the northwest corner of Section 27, Township 47 South, Range 38 East, thence run westerly along the aforementioned Levee L-5 to a point intersecting the east line of Range 36 East, thence run northerly along said Range line to a point marking the northeast corner of Section 1, Township 47 South, Range 36 East, thence run westerly along the north line of Township 47 South, to an intersection with Levee L-23/24 (Miami Canal), thence run northwesterly along the Miami Canal Levee to a point intersecting the north line of Section 22, Township 46 South, Range 35 East, thence run westerly to a point marking the northwest corner of Section 21, Township 46 South, Range 35 East, thence run southerly to the southwest corner of said Section 21, thence run westerly to a point marking the northwest corner of Section 30, township 47 South, Range 35 East, said point also being on the line dividing Palm Beach and Hendry Counties, from said point, thence run southerly along said county line to a point marking the intersection of Broward, Hendry and Collier Counties, said point also being the northeast corner of Section 1, Township 49 South, Range 34 East, thence run westerly along the line dividing Hendry and Collier Counties and continuing along the prolongation thereof to a point marking the southwest corner of Section 36, Township 48 South, Range 29 East, thence run southerly to a point marking the southwest corner of Section 12, Township 49 South, Range 29 East, thence run westerly to a point marking the southwest corner of Section 10, Township 49 South, Range 29 East, thence run southerly to a point marking the southwest corner of Section 15, Township 49 South, Range 29 East, thence run westerly to a point marking the northwest corner of Section 24, Town-

ship 49 South, Range 28 East, said point lying on the west boundary of the Big Cypress Area of Critical State Concern as described in Rule 27F-3, Florida Administrative Code, thence run southerly along said boundary crossing SRD 84 (Alligator Alley) to a point marking the southwest corner of Section 24, Township 50 South, Range 28 East, thence leaving the aforementioned west boundary of the Big Cypress Area of Critical State Concern run easterly to a point marking the northeast corner of Section 25, Township 50 South, Range 28 East, thence run southerly along the east line of Range 28 East to a point lying approximately 0.15 miles south of the northeast corner of Section 1, Township 52 South, Range 28 East, thence run southwesterly 2.4 miles more or less to an intersection with SRD 90 (U.S. 41 Tamiami Trail), said intersection lying 1.1 miles more or less west of the east line of Range 28 East, thence run northwesterly and westerly along SRD 90 to an intersection with the west line of Section 10, Township 52 South, Range 28 East, thence leaving SRD 90 run southerly to a point marking the southwest corner of Section 15, Township 52 South, Range 28 East, thence run westerly crossing the Faka Union Canal 0.6 miles more or less to a point, thence run southerly and parallel to the Faka Union Canal to a point located on the mean high water line of Faka Union Bay, thence run southeasterly along the mean high water line of the various bays, rivers, inlets and streams to the Point of Beginning.

(b) The area bounded by the line described in paragraph (a) generally includes those waters to be known as Waters of the State. The landward extent of these waters shall be determined as provided in s. 403.817. Any waters which are outside the general boundary line described in paragraph (a) but which are contiguous thereto by virtue of the presence of a water course or as determined pursuant to ch. 17-4.022, Florida Administrative Code, shall be a part of this waterbody. Any areas within the line described above which are not within the department's jurisdiction as determined pursuant to ch. 17-4.022, Florida Administrative Code, shall be excluded therefrom. If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters outside the boundaries shall not be included as part of such designation unless a hearing is held pursuant to notice in each appropriate county and the boundaries of said lands are specifically considered and described for such designation.

Section 14. The fact of the existence of this act and its regulatory effect shall not be considered to reduce the valuation of any property for which, at the time of passage of this act, the state has filed a petition to exercise the power of eminent domain pursuant to chapter 83-80, Laws of Florida, as amended, or property which is the subject of active negotiations to purchase by the state or any other governmental unit on June 1, 1984.

Section 15. The Department of Environmental Regulation is directed to consult with the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences at the University of Florida, and the U.S. Soil and Conservation Service to investigate the creation of a wetlands indicator index using soils in combination with vegetation. The department is further directed to report the results of such investigation to the Speaker of the House and the President of the Senate no later than March 1, 1986.

Section 16. Sections 253.123, 253.124, 253.1245, and 253.76, Florida Statutes, are hereby repealed.

Section 17. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act.

Section 18. This act, and the rule approved pursuant to section 9, shall take effect October 1, 1984.

The Committee on Appropriations recommended the following amendments which were moved by Senator Neal and adopted:

Amendment 1A—On page 14, line 30, strike "or" and insert: and

Amendment 1B—On page 33, line 22, strike "1/2"

Senators Neal, Barron, Beard, Carlucci, Castor, D. Childers, W. D. Childers, Crawford, Deratany, Dunn, Fox, Frank, Gersten, Girardeau, Gordon, Grant, Grizzle, Hair, Hill, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Malchon, Mann, Margolis, McPherson, Meek, Myers, Neal, Peterson, Plummer, Rehm, Scott, Stuart, Thomas, Thurman, Vogt and Weinstein offered the following amendment which was moved by Senator Neal and adopted:

Amendment 1C—On page 1, strike all of lines 18 and 19 and insert: 403.901 Short title.—This part shall be known and may be cited as the "Warren S. Henderson Water Resources Protection Act."

Senator Neal, speaking on the amendment: This is to signify forever in the statutes just one small part of all the things that Warren Henderson has done over the last 21 years for the environment in this state. He has been a part of every major piece of legislation that has ever passed here relating to the environment, including some notable ones that we thought would never pass like the Cross Florida Barge Canal repeal and the fishing bills that Senator Barron assisted him with—in a manner of speaking. Some environmental bills would never have passed except for Warren Henderson's leadership. He has been an important part of this bill, an important part of every environmental bill, and we think it is appropriate that his name forever live in the statutes as part of an important part of a new Section 8, Chapter 403.

Amendment 1 as amended was adopted.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Neal and adopted:

Amendment 2—In title, on page 1, lines 2-31, and on page 2, lines 1-28, strike all of said lines and insert: An act relating to water resources protection; creating part VIII of chapter 403, F.S., consisting of ss. 403.901-403.915, F.S., entitled the "Florida Water Resources Protection Act"; providing definitions; providing for the powers and duties of the Department of Environmental Regulation; providing for jurisdiction with respect to the wetlands; requiring permits for construction, dredging, and filling; providing criteria for permit issuance; providing criteria for permit review; providing for enforcement; providing for judicial review; providing for jurisdictional declaratory statements; providing for local governmental participation and powers; providing for state sovereignty land applications; providing for agricultural activities; providing for a wetlands monitoring system; creating s. 403.265, F.S.; regulating peat mining in wetlands; amending s. 193.023, F.S., relating to duties of the property appraiser; amending ss. 403.021, 403.061, and 403.816, F.S., including St. Petersburg within a list of locations required to maintain certain authorized water depths in channels, harbors, basins, and berths; amending s. 403.812, F.S., relating to permits for certain dredge and fill activities where the department has delegated certain functions to a water management district; amending s. 403.814, F.S., authorizing the department to provide for alternative notice procedures for certain routine and repetitive activities; ratifying a certain rule and revising the vegetative index adopted pursuant to said rule; providing for a Vegetative Index Review Committee; amending s. 253.03, F.S., providing for the review of applications for the use of state lands; amending s. 253.04, F.S., relating to the duty of the Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing for imposition of fines and award of damages; amending s. 253.77, F.S., prohibiting any person from commencing any excavation, construction, or other activity with respect to state land until required consent is obtained from the board; amending s. 403.031, F.S., redefining the term "waters" to include reference to the Everglades; providing for valuation of certain land; providing for a wetlands indicator index; repealing s. 253.123, F.S., relating to restrictions on dredging and filling; repealing s. 253.124, F.S., relating to applications for filling land; repealing s. 253.1245, F.S., relating to applications for filling land; repealing s. 253.76, F.S., relating to appeals of decisions by the Department of Environmental Regulation; providing severability; providing an effective date.

On motion by Senator Neal, by two-thirds vote CS for CS for HB 1187 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Jenne	Neal
Beard	Gersten	Jennings	Plummer
Castor	Girardeau	Johnston	Rehm
Childers, D.	Gordon	Kirkpatrick	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Deratany	Hair	Margolis	Thurman
Dunn	Henderson	McPherson	Vogt
Fox	Hill	Meek	Weinstein

Nays—2

Carlucci Langley

Vote after roll call:

Yea—Mr. President, Myers

Explanation of Vote

The Wetlands Bill is a bill I could vote for or against and muster an adequate argument either way.

I have no problems with the concept of reasonable wetlands protection. The idea is sound. In reality, we who live or own land in Florida should protect wetlands by virtue of being responsible people, regardless of whether laws exist or not. We all have a responsibility to one another and to future generations. Without exception, we should fulfill that responsibility.

The politically smart vote on this issue would be a "yes" vote. After all, a high percentage of those folks who are aware of the existence of this bill probably support a "Wetlands Bill", though they may not know what is in it.

In referring to this piece of legislation I've heard people say, "It's the best we could get," or "Something is better than nothing." Those comments or ones similar have been dusted off and used annually in the halls of the Florida Legislature for years as a means to rationalize the enactment of legislation. But, does that always really justify the passage of a bill? I think not.

This bill is clearly a discriminatory measure. There is an appropriate analogy here. If one scans the horizon as the tide rises, it clearly rises evenly. This bill would not fit that pattern. To the contrary, this bill provides for selective enforcement. In some areas the tide rises; in some areas it falls, and in some areas there is no tide.

In the dissenting opinion in the well known case of *Palsgraf vs. Long Island Railroad Company* we find an appropriate comment:

"A boy throws a stone into a pond. The ripples spread. The water level rises. The history of that pond is altered to all eternity."

This bill only alters the history of part of that pond.

If there ever was a piece of legislation that truly hurts and ties the hands of the small landowner or so called "little guy", this is it.

For me to vote for a discriminatory bill that goes my way or the way I'd like to favor is equally as wrong as a vote in favor of a bill that goes the other way.

For these reasons, I could not vote for this bill. Additionally, there are some suspect sections of the bill that concern me but I cannot clearly define those as problems yet.

In closing, I need to comment that the manner in which this bill traveled from its initial form to its final conclusion greatly concerned me. That alone, though, would not have caused me to vote against it. That is another subject for another day. I sincerely hope that this piece of legislation or those who administer it will not harm any innocent landowners, large or small, in Florida.

Joe Carlucci, 8th District

On motion by Senator Neal, the rules were waived and CS for CS for HB 1187 was ordered immediately certified to the House.

On motion by Senator Kirkpatrick, the following was published in the Journal:

Statement of Intent on CS for CS for HB 1187, The Water Resources Protection Act

Mr. President, because of the importance of this legislation and some of the complex and sometimes misunderstood provisions of this legislation, I would like to read the following prepared statement for the Senate. This material is based on a letter dated May 11, 1984, to me from the Secretary of the Department of Environmental Regulation which was intended to clarify how the department would interpret several of the provisions in this legislation.

Section 403.906, created by the bill, provides that in making its permitting decision, the department shall "consider and balance" whether the dredge and fill project would adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats to such an extent as to be contrary to the public interest. This language

establishes essentially the same standard as presently exists in Section 253.124, Florida Statutes, for fill projects in navigable waters, and the department's interpretation of the proposed language would be consistent with the agency's present practice and case law construing Section 253.124.

Generally, it has been held that the "not contrary to the public interest" test presupposes some reduction in the ecological value of an area. Whether that reduction is great enough to be contrary to the public interest is a factual determination to be made on a case by case basis. The conservation of fish and wildlife and their habitats is broader in perspective than a single plant or animal; it deals with the affected ecosystem and implies the planned management of a natural resource to prevent its destruction through exploitation or neglect.

Under the existing statutory language, no special consideration is given to threatened or endangered species. The proposed language would require the department to consider the impact of the project on a species when making a public interest determination. As a practical matter, when there are very few members of a species remaining, a relatively small project may have a major adverse impact on the species as a whole.

The proposed language establishes a balancing test. It requires conservation, but not preservation.

The language contained in s. 403.905(6), relating to certain residential developments, shall be interpreted to apply to developments that are primarily residential in nature, although such developments could include some commercial or industrial components as may be found in a planned community or planned unit development.

The language contained in s. 403.905(6), relating to a s. 380.06 development order, shall be interpreted to include master plan development orders issued pursuant to s. 380.06(20).

The language contained in s. 403.905(6) also requires that parties claiming to be grandfathered assert that claim to the department within 180 days of publication of notice by the department of the existence of the provision. It is the department's interpretation of this provision that the developer may assert a claim under the grandfather clause for the entire development, including individual lots which have already been sold.

The language contained in s. 403.913, relating to agricultural activities, shall be construed in conjunction with s. 373.406(2) to exempt from permitting only those activities defined as "agricultural activities" pursuant to this act in accordance with the Commentary to s. 4.02(2) of the Model Water Code.

*Pat Neal, Chairman
Committee on Natural
Resources and Conservation*

On motion by Senator Barron, the rules were waived and CS for SB 304 and CS for SB 254 were removed from the special order calendar.

On motion by Senator Scott, the rules were waived and SB 908 was added to the special order calendar.

The President presiding

On motion by Senator Kirkpatrick, by two-thirds vote—

CS for CS for SB 1059—A bill to be entitled An act relating to pollution control; amending s. 376.11, F.S.; correcting a cross-reference; restricting certain expenditures from the Florida Coastal Protection Trust Fund; amending s. 376.30, F.S.; correcting cross-references; amending s. 376.301, F.S.; correcting cross-references; providing definitions; amending s. 376.303, F.S.; limiting certain Department of Environmental Regulation powers; amending ss. 376.302, 376.305, F.S.; correcting cross-references; amending s. 376.307, F.S.; providing for administration of the Water Quality Assurance Trust Fund; providing a statute of limitations for certain causes of action; correcting cross-references; amending s. 376.308, F.S.; providing liabilities and defenses of facilities; correcting a cross-reference; amending s. 376.309, F.S.; correcting cross-references; amending s. 376.313, F.S.; providing that certain remedies are nonexclusive and establishing an individual cause of action for damages; correcting cross-references; amending s. 376.315, F.S.; correcting cross-references; creating s. 376.317, F.S.; preempting to the state the regulation of prevention and removal of certain pollutant discharges; providing an exception; amending s. 377.22, F.S.; authorizing the Department of Natural Resources to regulate certain tanks to protect water resources; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 15, line 17, strike “April 1, 1984” and insert: the effective date of this act

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 1059 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fox	Jennings	Plummer
Barron	Frank	Johnston	Rehm
Beard	Gersten	Kirkpatrick	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Myers

On motion by Senator Gersten, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 396—A bill to be entitled An act relating to driver’s licenses and identification cards; amending s. 322.212, F.S., providing for the unauthorized use or possession of identification cards in the same manner as driver’s licenses; providing penalties; providing penalties for the use of fraud and for giving a false age in applying for a driver’s license or an identification card; repealing s. 322.32(5), F.S., relating to fraud in an application for a driver’s license; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 31, insert:

Section 2. Subsection (1) of section 322.17, Florida Statutes, is amended to read:

322.17 Duplicate and replacement certificates.—

(1) In the event that an instruction permit or operator’s or chauffeur’s license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of \$3.50 ~~\$2.50~~, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, proof of birth as provided in s. 232.03, sex, and residence address to the department.

Section 3. Paragraph (d) of subsection (1) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(1) Notwithstanding any provisions to the contrary in chapter 120, the department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing of its records or other sufficient evidence that the licensee:

(d) Has permitted an unlawful or fraudulent use of such license or has knowingly been a party to the obtaining of a license by fraud or misrepresentation or *has displayed to display, or represented represent as one’s own, any operator’s or chauffeur’s license not issued him. Provided, however, no provision of this section shall be construed to include the provisions of s. 322.32(1); or*

Section 4. Section 322.3301, Florida Statutes, is created to read:

322.3301 Arrest for unlawful use of license or perjury.—

(1) The continuing presence of the person believed to be violating s. 322.32 or s. 322.33 at the driver’s license office shall constitute a continuing violation of those sections for the purpose of s. 901.15.

(2) Any documents or papers submitted to an examiner in violation of or in any attempt to violate s. 322.32 or s. 322.33 may be retained by the department for the purposes of obtaining an arrest warrant when necessary or to forward to a law enforcement officer or state attorney for use in the prosecution of said violation.

(3) Notice of the illegality of violations of ss. 322.32 and 322.33, the penalties therefor, and the provisions of this section shall be published in conspicuous language and posted in a conspicuous place in every driver’s license office in this state. The Department of Highway Safety and Motor Vehicles may promulgate rules to implement the provisions of this subsection according to the provisions of chapter 120.

Section 5. Section 322.32, Florida Statutes, is amended to read:

322.32 Unlawful use of license or identification card.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person:

(1) To display, or cause or permit to be displayed, or have in his possession, any canceled, revoked, suspended, fictitious, or fraudulently altered ~~driver’s operator’s or chauffeur’s license or identification card.~~

(2) To lend his ~~driver’s operator’s or chauffeur’s license or identification card~~ to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as one’s own, any ~~driver’s operator’s or chauffeur’s license or identification card~~ not issued to him.

(4) To fail or refuse to surrender to the department upon its lawful demand, any ~~driver’s operator’s or chauffeur’s license or identification card~~ which has been suspended, revoked or canceled.

(5) To use a false or fictitious name in any application for a ~~driver’s an operator’s or chauffeur’s license or identification card~~, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) To permit any unlawful use of a ~~driver’s an operator’s or chauffeur’s license or identification card~~ issued to him.

(7) To apply for, obtain, or cause to be issued to him two or more photographic driver’s licenses or identification cards which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(8) To do any act forbidden, or fail to perform any act required by this chapter.

and renumber subsequent sections.

Amendment 2—On page 1 in the title, lines 6-11, strike all of said lines and insert: manner as driver’s licenses; amending s. 322.17, F.S., increasing the fee for a duplicate or substitute driver’s license; amending s. 322.27, F.S., clarifying language with respect to the authority of the Department of Highway Safety and Motor Vehicles to suspend a driver’s license; creating s. 322.3301, F.S., providing that continuing presence constitutes continuing violation for purposes of arrest; authorizing the department to retain certain evidence; requiring the department to publish and post certain notices; amending s. 322.32, F.S., providing that it is a misdemeanor of the second degree to unlawfully use an identification card;

Amendment 3—On page 2, lines 14-30 and on page 3, lines 1-2 strike all of said lines and insert:

(5) Any person who violates any of the provisions of this act is guilty of a felony of the third degree, punishable as provided in s. 775.082, S. 775.083, or s. 775.084.

(6) The foregoing provisions of this section shall be in addition to and supplemental to all other provisions of this chapter and of the laws of Florida, relating to driver’s licenses and identification cards.

and renumber subsequent section.

Amendment 4—On page 1 in the title, lines 6-11, strike all of said lines and reinsert: manner as driver's licenses;

On motions by Senator Gersten, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

SPECIAL ORDER, continued

On motions by Senator Kirkpatrick, by two-thirds vote—

CS for CS for SB 1039—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S.; adding definitions; amending s. 487.041, F.S.; providing for emergency exemptions; providing data requirements for registration of pesticides; conforming provisions relating to hearing requests to provisions of the Administrative Procedure Act; clarifying special local need registration requirements; providing notification procedures; creating s. 487.055, F.S.; providing antisiphon requirements; amending s. 487.071, F.S.; including rules adopted under chapter 487 and labeling requirements within provisions relating to enforcement, inspection, sampling, and analysis; amending s. 487.091, F.S.; establishing an administrative fine and providing for criminal penalties; amending s. 487.0615, F.S.; increasing the membership and expanding the purview of the Pesticide Review Council; establishing a grant program for assisting privately owned drinking water wells contaminated by the state application of ethylene dibromide; creating a Toxicological Research Coordinating Committee; describing the powers and duties of the committee; establishing a data bank; providing an appropriation; providing effective dates.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fox	Jennings	Plummer
Barron	Frank	Johnston	Rehm
Beard	Gersten	Kirkpatrick	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Myers

CS for CS for SB's 1040 and 788—A bill to be entitled An act relating to water resources; amending s. 373.106, F.S.; correcting a reference; amending s. 373.333, F.S.; transferring authority to issue orders regarding wells to the water management districts; amending s. 373.044, F.S.; providing that water management district personnel rules shall be made available to the public as specified; amending s. 373.0693, F.S., relating to travel expenses of basin board members; creating s. 373.0698, F.S.; providing that ss. 373.0693-373.0697, F.S., govern the creation and operation of basin boards; amending s. 373.079, F.S., relating to travel expenses of the water management district governing board members; providing for the delegation of certain board powers to the executive director; specifying authorized use of charter aircraft; amending s. 373.085, F.S.; providing restrictions on the use of works or land of a water district; amending s. 373.109, F.S.; amending the conditions for establishing permit application fees; allowing denial of a permit for failure to pay such fees; amending s. 373.129, F.S.; allowing specified entities to maintain legal actions for certain costs and attorney's fees and for civil penalties; providing for the deposit of such penalties into a trust fund as specified; amending s. 373.246, F.S.; modifying the procedures and conditions for declaration of a water shortage or emergency; repealing ss. 5, 6, 7(2), 8, and 9, chapter 61-691, Laws of Florida, relating to the creation of the Southwest Florida Water Management District; providing for employment of internal auditors; amending s. 373.423, F.S.; deleting annual dam inspection requirement; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 5, line 26, after "704.01." insert:

However, land or works of the district which have historically been used for public access to the ocean via the North New River Canal and its tributaries shall not be closed for this purpose unless the district can demonstrate that significant harm to the resource would result from such public use.

Amendment 2—In title, on page 1, line 21, after the semicolon (;) insert: providing for certain public access to the ocean;

On motion by Senator Neal, by two-thirds vote CS for CS for SB's 1040 and 788 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Jenne	Neal
Barron	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Myers

CS for SB 986—A bill to be entitled An act relating to environmental regulation; amending s. 403.021, F.S.; applying certain provisions about authorized channel depth to additional entities; amending s. 403.061, F.S.; applying certain classifications, standards, and criteria for waters used for deepwater shipping to additional entities; amending s. 403.0876, F.S.; specifying procedures for obtaining underground well permits; amending s. 403.091, F.S.; broadening the authority for the Department of Environmental Regulation to conduct inspections; providing guidelines; providing for inspection warrants; amending s. 403.1826, F.S.; authorizing a maximum grant for each local government agency; amending s. 403.1838, F.S.; clarifying language; amending s. 403.702, F.S.; assuring economic, cost effective, and environmental considerations; amending s. 403.704, F.S.; requiring landfill closure alternatives research and subsequent report; creating an oversight committee; requiring certain revisions of department rules; authorizing certain variances; amending s. 403.707, F.S.; deleting a temporary operating permit time limit; amending s. 403.7225, F.S.; specifying public information program requirements; extending the deadline for completing certain county hazardous waste management plans; adding a requirement for updates of hazardous waste assessments; amending s. 403.7264, F.S.; changing amnesty days time periods; amending s. 403.727, F.S.; correcting a cross-reference; amending and renumbering s. 501.118, F.S.; deleting references to hazardous substances and materials; amending s. 403.804, F.S.; correcting a cross-reference; amending s. 403.816, F.S.; applying certain provisions about maintenance dredging of deepwater ports to additional entities; amending s. 403.853, F.S.; authorizing testing for certain contaminants at certain intervals; amending s. 403.862, F.S.; requiring certain funding; amending s. 110.205, F.S.; placing district managers and branch office managers of environmental districts in the Senior Management Service; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 9, lines 5-31, and on page 10, lines 1-18, strike all of said lines and insert:

Section 1. Subsection (3) of section 403.707, Florida Statutes, is amended and subsection (6) is added to said section to read:

403.707 Permits.—

(3) All applicable provisions of ss. 403.087 and 403.088, relating to permits and temporary operation permits, shall be construed to include

the control of resource recovery and management facilities. However, a temporary operation permit may not be issued for more than a 3-year period.

(6) The department shall only issue a construction or operation permit pursuant to this part to a solid waste land disposal area, site, or facility which provides the conditions necessary to control movement of wastes or waste constituents into surface or ground waters or the atmosphere. Such facility shall, if necessary:

(a) Use natural or artificial barriers capable of controlling lateral or vertical movement of wastes or waste constituents into surface or ground waters.

(b) Have a foundation or base capable of providing support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift; and

(c) Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors, and prevent the endangerment of public health and the environment.

Such landfill shall not be allowed to use open fires as a means of disposal.

Section 2. Paragraph (a) of subsection (2) of section 403.702, Florida Statutes, is amended to read:

403.702 Legislative findings; public purpose.—

(2) It is declared to be the purpose of this act to:

(a) Plan for and regulate in the most economically feasible, cost-effective, and environmentally safe manner the storage, collection, transport, separation, processing, recycling, and disposal of solid waste in order to protect the public safety, health, and welfare; enhance the environment for the people of the state; and recover resources which have the potential for further usefulness.

Section 3. Present subsections (18), (19), (20), (21), (22), (23), (24), and (25) of section 403.704, Florida Statutes, are renumbered as subsections (20), (21), (22), (23), (24), (25), (26), and (27) respectively, and new subsections (18) and (19) are added to said section to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(18) Research alternative economically feasible, cost-effective, and environmentally safe landfill construction and closure methods which serve to protect the health, safety, and welfare of the public and the environment, solicit public participation during the research process, set up a three-member research oversight review committee comprised of industry, university, and legislative staff representatives, and submit a report on these alternatives to the Legislature by February 1, 1985. The department shall be required to incorporate such cost-effective landfill construction and closure methods in the appropriate department rule as alternative construction and closure requirements.

(19) Authorize variances from solid waste construction and closure rules adopted pursuant to this part, provided that such variances are applied for and approved in accordance with s. 403.201 and will not result in significant threats to human health or the environment.

Amendment 2—On page 15, strike all of lines 15-28 and renumber subsequent sections.

Amendment 3—On page 15, lines 29-31, and on page 16, lines 1 and 2, strike all of said lines and insert:

Section 19. The sum of \$40,000 is hereby appropriated from the General Revenue Fund to the Department of Environmental Regulation for the purposes of conducting research and writing a report on cost-effective landfill construction and closure methods as described herein.

Amendment 4—In title, on page 2, lines 14-17, strike “amending s. 110.205, F.S.; placing district managers and branch office managers of environmental districts in the Senior Management Service;”

Amendment 5—In title, on page 1, strike all of lines 18-26 and insert: s. 403.707, F.S.; deleting a temporary operating permit time

limit; specifying certain considerations relating to construction permits; amending s. 403.702, F.S.; assuring economic, cost effective, and environmental considerations; amending s. 403.704, F.S.; requiring landfill construction and closure alternatives research and subsequent report, creating an oversight committee; requiring certain revisions of department rules; authorizing certain variances; amending s.

On motion by Senator Grizzle, by two-thirds vote CS for SB 986 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Jenne	Plummer
Barron	Frank	Jennings	Rehm
Beard	Gersten	Johnston	Stuart
Carlucci	Girardeau	Kirkpatrick	Thomas
Castor	Gordon	Malchon	Thurman
Childers, D.	Grant	Mann	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	McPherson	
Deratany	Henderson	Meek	
Dunn	Hill	Neal	

Nays—None

Vote after roll call:

Yea—Myers

On motion by Senator Crawford, by two-thirds vote—

CS for CS for SB 803—A bill to be entitled An act relating to land reclamation and acquisition; amending s. 378.031, F.S.; providing legislative intent; creating ss. 378.032-378.038, F.S.; providing definitions; creating the Nonmandatory Land Reclamation Committee; providing application procedures; providing powers and duties of the Department of Natural Resources; providing for land acquisitions; providing responsibilities and duties of the Comptroller; providing rulemaking authority; amending s. 211.3103, F.S., relating to the excise tax on the severance of phosphate rock; revising the date after which the base rate is reduced under certain circumstances; amending s. 253.023, F.S.; increasing the limitation on the amount of money which may be credited to the Conservation and Recreation Lands Trust Fund; providing for the acquisition of inholdings or additions to existing projects; providing for repeal and review pursuant to the Sundown Act; amending s. 125.01, F.S.; providing for county use of ad valorem tax revenue to purchase certain lands; amending s. 253.01, F.S.; providing for the placement of certain fees into the Internal Improvement Trust Fund; amending s. 253.025, F.S.; providing for the waiver of acquisition procedures under certain circumstances; providing for the confidentiality of certain appraisal reports; providing for the release of appraisal reports under certain circumstances; providing for final offers in the form of option contracts; amending s. 375.031, F.S.; providing for disclosure of certain financial transactions; providing for option contracts; amending s. 380.08, F.S.; providing for disclosure of certain financial transactions; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 15, strike all of lines 5-8 and insert:

\$25 million in fiscal year 1984-85 or in any fiscal year thereafter, the department shall deposit the excess into the General Revenue Fund. For fiscal year 1985-86 and any fiscal year thereafter, the Legislature may appropriate as much as an additional \$15 million from the General Revenue Fund to the Conservation and Recreation Lands Trust Fund to be used exclusively for the purposes of this section. October 1979. If the moneys credited to the

On motion by Senator Crawford, by two-thirds vote CS for CS for SB 803 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Castor	Deratany	Gersten
Barron	Childers, D.	Dunn	Girardeau
Beard	Childers, W. D.	Fox	Gordon
Carlucci	Crawford	Frank	Grant

Grizzle	Johnston	McPherson	Stuart
Hair	Kirkpatrick	Meek	Thomas
Henderson	Langley	Neal	Thurman
Hill	Malchon	Plummer	Vogt
Jenne	Mann	Rehm	Weinstein
Jennings	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—Myers

SB 908—A bill to be entitled An act relating to the issuance of highway bonds; amending s. 337.34, F.S.; providing for the Division of Bond Finance to issue federal revenue anticipation bonds or notes to provide funds for certain interstate and defense highways; providing for the payment of such bonds or notes; providing for the method of issuance and manner of sale of such bonds; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Scott and adopted:

Amendment 1—On page 1, lines 26-31, and on page 2, lines 1-3, strike all of said lines and insert: *principal and interest from all funds certified by the Comptroller as being due and payable from the federal government to the state pursuant to the Federal Highway Act of 1956, as amended, or from the proceeds of such bonds or notes or the investment earnings thereon provided that at no time shall the aggregate debt service and redemption premium, if any, exceed 75% of such funds so certified. In his certification of federal-aid highway funds due to the state, the Comptroller shall include only those funds authorized for apportionment or allocation and shall not include funds, authorized or unauthorized, requiring additional Congressional action to establish the timing or basis of distribution to the states. The provisions of sections 215.57-215.83 shall apply to the bonds or notes authorized hereby. Prior to the issuance of any bonds or notes in accordance with this subsection, the Department of Transportation shall provide to the satisfaction of the Division of Bond Finance the following:*

(1) *An analysis of the public benefits to be derived from the accelerated construction of the interstate project to be financed from the proceeds of such bonds;*

(2) *A projection of all costs attributable to the proposed bond sale and the ensuing project;*

(3) *A projection of all federal reimbursements for the interstate project and investment earnings from the bond proceeds; and*

(4) *A projection of the net public benefits to be realized from acceleration of the project.*

Amendment 2—In title, on page 1, strike line 9 and insert: *issuance of such bonds; providing for certification by the Comptroller; providing that the Department of Transportation provide certain information to the Division of Bond Finance prior to the issuance of any bonds or notes;*

On motion by Senator Scott, by two-thirds vote SB 908 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Johnston	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	
Fox	Jenne	Neal	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Myers

On motion by Senator Scott, the rules were waived and SB 908 after being engrossed was ordered immediately certified to the House.

CS for SB 329—A bill to be entitled An act relating to nongame wildlife; amending s. 372.991, F.S.; providing sources of funds for the Nongame Wildlife Trust Fund; amending s. 319.32, F.S.; requiring an additional fee to be charged for an original certificate of title for a vehicle previously registered outside of Florida; amending s. 320.02, F.S.; providing for motor vehicle registration application form contents; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote CS for SB 329 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Jenne	Neal
Barron	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Myers

CS for HB 798—A bill to be entitled An act relating to saltwater fisheries; amending s. 125.01 and s. 370.027, F.S., authorizing governing bodies of counties to regulate fishing gear in residential, manmade saltwater canals; amending section 2 of chapter 83-134, Laws of Florida; advancing the repeal date with respect to certain local laws pertaining to saltwater fishing; amending sections 6, 7 and 8 of chapter 83-134, Laws of Florida, specifying that certain subdivisions of statutes scheduled for repeal under said act shall remain in force; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator McPherson and adopted:

Amendment 1—On page 1, lines 18-31, and on page 2, lines 1-16, strike all of said lines and renumber subsequent sections.

Amendment 2—In title, on page 1, strike lines 3-6 and insert: *amending section 2 of chapter*

On motion by Senator McPherson, by two-thirds vote CS for HB 798 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Myers

CS for SB 29—A bill to be entitled An act relating to used oil recycling; providing definitions; prohibiting specified acts with respect to used oil; providing for a public education program; providing for the registration of certain used oil transporters and facilities; providing for registration fees; providing for annual reports; providing for enforcement; pro-

viding civil penalties; providing an appropriation; repealing s. 526.01(2), F.S., relating to labeling of containers of previously used lubricants; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for SB 29 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fox	Jennings	Plummer
Barron	Frank	Johnston	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Myers

CS for SB 100—A bill to be entitled An act relating to boating safety; creating ss. 327.351-327.354, F.S.; prohibiting the operation of a vessel while intoxicated; providing punishment; providing tests to determine intoxication or impairment; providing legislative intent; providing for right to refuse; authorizing use of blood tests in cases of death or serious bodily injury; providing for certain presumptions of impairment; amending s. 327.32, F.S.; providing civil liability for reckless or careless operation of a vessel; amending s. 327.33, F.S.; providing criminal penalties for reckless or careless operation of a vessel; amending s. 327.35, F.S.; providing for fines, imprisonment, and community work projects for persons guilty of operating a vessel while under the influence of alcoholic beverages, chemical or controlled substances; amending s. 327.37, F.S.; prescribing certain safety rules for operating a vessel towing persons on water skis, aquaplanes, innertubes, and sleds; amending s. 327.50, F.S.; prohibiting use of sirens and emergency lights on all vessels other than law enforcement, fire, and emergency vessels; amending s. 327.54, F.S.; prohibiting liveries from renting a vessel not containing the safety equipment required by s. 327.50, F.S.; amending s. 327.56, F.S.; authorizing searches of vessels by law enforcement officers to ascertain compliance with safety regulations; amending s. 327.70, F.S.; providing that any authorized law enforcement officer shall enforce ch. 327 and ch. 328, F.S.; amending s. 327.72, F.S.; providing a \$25 fine for the careless operation of a vessel; repealing s. 327.51, F.S., relating to ventilator ducts; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 5, line 14, and on page 6, line 26, strike “s. 316.193 or s. 316.1931” and insert: s. 327.35 or s. 327.351

On motion by Senator McPherson, by two-thirds vote CS for SB 100 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Beard	Gersten	Johnston	Plummer
Carlucci	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	

Nays—None

On motions by Senator Plummer, by two-thirds vote SB 224 was withdrawn from the committees of reference and indefinitely postponed.

SB 980—A bill to be entitled An act relating to wildlife management; creating s. 372.5713, F.S.; requiring certain persons who hunt wild turkeys to purchase a wild turkey stamp in addition to the appropriate hunting license; providing a fee; providing for the disposition of revenues generated from the sale of such stamp; requiring the Game and Fresh Water Fish Commission to prepare an annual report documenting the use of such revenues; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 1, lines 20 and 21, strike “, except a resident more than 65 years of age or a child under 15 years of age, taking or attempting” and insert: required to obtain a hunting license pursuant to s. 372.57, who takes or attempts

Senator Henderson moved the following amendment which was adopted:

Amendment 2—On page 1, strike all of lines 20-28 and insert:

(1)(a) Any person, except a resident more than 65 years of age or a child under 15 years of age, who takes or attempts to take wild turkeys within this state shall, in addition to the appropriate hunting license for taking game as described in s. 372.57, possess a Florida wild turkey stamp. Such stamp shall not be transferable, shall be signed across the face by the bearer and fixed adhesively to the back of the regular hunting license of the bearer, and shall be carried at all times upon the person while hunting wild turkeys.

(b) Although residents more than 65 years of age and children under 15 years of age are not required to possess such stamp, the Legislature hereby encourages, in order to generate revenues for research and management of wild turkeys, all persons, regardless of age and regardless of whether they hunt wild turkeys, to purchase such stamps.

On motion by Senator Kirkpatrick, by two-thirds vote SB 980 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Gersten	Johnston	Plummer
Castor	Girardeau	Kirkpatrick	Scott
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Deratany	Henderson	Margolis	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

On motion by Senator Neal, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet in Room H, Senate Office Building, this day at 5:30 p.m. or upon adjournment, to consider HB 1258.

On motion by Senator Kirkpatrick, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 980—A bill to be entitled An act relating to wildlife management; creating s. 372.5713, F.S.; requiring certain persons who hunt wild turkeys to purchase a wild turkey stamp in addition to the appropriate hunting license; providing a fee; providing for the disposition of revenues generated from the sale of such stamp; requiring the Game and Fresh Water Fish Commission to prepare an annual report documenting the use of such revenues; providing an effective date.

—as amended passed this day.

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which SB 980 was placed on third reading.

On motions by Senator Kirkpatrick, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission Amendments 1 and 2 were withdrawn.

Senator Henderson moved the following amendment which was adopted:

Amendment 3—On page 1, strike all of lines 20-28 and insert:

(1)(a) Any person required to obtain a hunting license pursuant to s. 372.57, who takes or attempts to take wild turkeys within this state shall, in addition to the appropriate hunting license for taking game as described in s. 372.57, possess a Florida wild turkey stamp. Such stamp shall not be transferable, shall be signed across the face by the bearer and fixed adhesively to the back of the regular hunting license of the bearer, and shall be carried at all times upon the person while hunting wild turkeys.

(b) Although residents who are not required to obtain a hunting license are not required to possess such stamp, the Legislature hereby encourages, in order to generate revenues for research and management of wild turkeys, all persons, regardless of whether they hunt wild turkeys, to purchase such stamps.

On motion by Senator Kirkpatrick, by two-thirds vote SB 980 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Beard	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	
Gersten	Johnston	Plummer	

Nays—None

CS for SB 150—A bill to be entitled An act relating to pilots, pilotage, and pilotage; amending s. 310.002, F.S., relating to definitions; amending s. 310.071, F.S., modifying application procedure to require documentation of qualifications; modifying age, health, education, and experience requirements for certification as a deputy pilot; creating s. 310.073, F.S., providing modified age, health, education, and experience requirements for licensure as a state pilot; creating s. 310.075, F.S., requiring licensed state pilots in each port to submit to the Board of Pilot Commissioners for its approval a deputy pilot training program; providing for an initial period as an "observer trainee"; requiring trainees to document compliance with training requirements; providing for gradual increase of the limits and specifications under which a deputy pilot is authorized to pilot; providing prerequisites to completion of the program; creating s. 310.083, F.S., providing for renewal of license or certificate upon documentation of good physical and mental health and upon payment of a renewal application fee; providing for rules; amending s. 310.101, F.S., expanding present and providing additional grounds for disciplinary action and providing administrative penalties therefor; amending s. 310.111, F.S., requiring marine incident reports within certain time frames, depending upon the nature of the incident; requiring written reports in addition to initial reports in all cases; saving chapter 310, F.S., from sunset repeal scheduled October 1, 1994; and providing for review and repeal of said chapter on October 1, 1994; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

Amendment 1—On page 2, strike everything after the enacting clause and insert:

Section 1. Paragraph (e) is added to subsection (1) of section 310.071, Florida Statutes, to read:

310.071 Application for license or certificate; qualification of applicants.—

(1) In addition to the requirements specified in this chapter, applicants for a license as a state pilot or for certificate as a deputy pilot shall also possess the following qualifications:

(e) Shall hold a valid license issued by the U.S. Coast Guard of an equal or higher grade than the lowest grade of license issued by the U.S. Coast Guard held by any licensed state pilot in the port in which he seeks licensure or certification.

Section 2. Notwithstanding the provisions of the Regulatory Sunset Act, chapter 310, Florida Statutes, shall not stand repealed on October 1, 1984, as scheduled by such act, but such chapter, as amended, is hereby revived and readopted.

Section 3. Chapter 310, Florida Statutes, is repealed October 1, 1986 and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 4. This act shall take effect October 1, 1984.

Amendment 2—In title, on page 1, lines 3-31, and on page 2, lines 1-7, strike all of said lines and insert: pilotage; amending s. 310.071, F.S.; providing an additional requirement for application for a pilot license or deputy pilot certificate; providing that ch. 310, F.S., shall not stand repealed, but that such chapter is revived and readopted; providing for future repeal and review; providing an effective date.

On motion by Senator Carlucci, by two-thirds vote CS for SB 150 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Stuart
Castor	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	McPherson	Weinstein
Deratany	Henderson	Meek	
Dunn	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

On motion by Senator Castor, the rules were waived and by two-thirds vote HB 252 was withdrawn from the Committee on Appropriations.

On motion by Senator Castor—

HB 252—A bill to be entitled An act relating to state lands; providing legislative findings and declaration; requiring the Board of Trustees of the Internal Improvement Trust Fund to deed certain land to the San Antonio Boys Village; providing that the land shall revert to the state if not used as specified; providing an effective date.

—a companion measure, was substituted for SB 156 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 252 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

Nays—None

SB 156 was laid on the table.

On motions by Senator Neal, the rules were waived and CS for CS for HB 1187 and CS for HB 798 were ordered immediately certified to the House.

On motions by Senator Neal, the rules were waived and CS for CS for SB 1059, CS for CS for SB 1039, CS for SB's 1040 and 788, CS for SB 986, CS for CS for SB 803, SB 908, CS for SB 329, CS for SB 29, CS for SB 100 and SB 980 after being engrossed were ordered immediately certified to the House.

On motion by Senator Neal—

SR 989—A resolution commending members of the Senate Advisory Committee on Wetlands Issues.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—39

Mr. President	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Gersten	Johnston	Plummer
Carlucci	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	

Nays—None

On motions by Senator Fox, the rules were waived and by two-thirds vote HB 163 was withdrawn from the Committees on Education and Judiciary-Civil.

On motion by Senator Fox—

HB 163—A bill to be entitled An act relating to the district school system; creating s. 230.105, Florida Statutes; providing alternate procedures whereby district school boards may adopt and submit to the electors for approval, or electors may petition to have placed on the ballot, a proposition calling for single-member representation within the residence areas of the district; providing alternatives; prohibiting the calling of a special election; providing for a return to the existing system at the district's option; providing for the effect of the act upon existing board members; providing an effective date.

—a companion measure, was substituted for SB 263 and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Kirkpatrick	Rehm
Barron	Frank	Langley	Scott
Beard	Gersten	Malchon	Stuart
Carlucci	Girardeau	Mann	Thomas
Castor	Grant	Margolis	Thurman
Childers, D.	Grizzle	McPherson	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crawford	Henderson	Myers	
Deratany	Jenne	Neal	
Dunn	Johnston	Plummer	

Nays—1

Hill

SB 263 was laid on the table.

The Senate recessed at 11:58 a.m. to reconvene at 3:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:00 p.m. A quorum present—39:

Mr. President	Fox	Jenne	Neal
Barron	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Henderson	Meek	Weinstein
Dunn	Hill	Myers	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 138 as amended by the Conference Committee Report.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to CS for CS for HB 1187 and requests the Senate to recede and in the event the Senate refuses to recede, requests a Conference Committee.

Allen Morris, Clerk

CS for CS for HB 1187—A bill to be entitled An act relating to wetlands protection; creating part VIII of chapter 403, F.S., consisting of ss. 403.901-403.913, F.S., entitled the "Florida Wetlands Protection Act of 1984"; providing definitions; regulating the mining of peat; providing for the powers and duties of the Department of Environmental Regulation; providing for jurisdiction with respect to the wetlands; requiring permits for construction, dredging, and filling; providing criteria for permit issuance; providing criteria for permit review; providing for enforcement; providing for judicial review; providing for jurisdictional declaratory statements; providing for local governmental participation; providing for state sovereignty land applications; providing for agricultural activities; amending s. 193.023, F.S., relating to duties of the property appraiser; amending ss. 403.021, 403.061, and 403.816, F.S., including St. Petersburg within a list of locations required to maintain certain authorized water depths in channels, harbors, basins, and berths; amending s. 403.812, F.S., relating to permits for certain dredge and fill activities where the department has delegated certain functions to a water management district; amending s. 403.814, F.S., authorizing the department to provide for alternative notice procedures for certain routine and repetitive activities; ratifying and revising the vegetative index adopted pursuant to rule; creating a Vegetative Index Review Committee composed of 9 members; amending s. 253.03, F.S., providing for the review of applications for the use of state lands; amending s. 253.04, F.S., relating to the duty of the Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing for imposition of fines and award of damages; amending s. 253.77, F.S., prohibiting any person from commencing any excavation, construction, or other activity with respect to state land until required consent is obtained from the board; amending s. 403.031, F.S., redefining the term "waters" to include reference to the Everglades; repealing s. 253.123, F.S., relating to restrictions on dredging and filling; repealing s. 253.124, F.S., repealing s. 253.1245, F.S., relating to local control of fill projects relating to applications for filling land; repealing s. 253.76, F.S., relating to appeals of decisions by the Department of Environmental Regulation; directing the Department of Environmental Regulation to study the use of soils and plants as wetlands indicators; providing an effective date.

On motions by Senator Neal, the Senate refused to recede from Senate amendments to CS for CS for HB 1187 and acceded to the request for a conference committee. The President appointed Senator Neal, Chairman; Senators Kirkpatrick, Mann, Henderson and Langley. The action of the Senate was certified to the House.

Senator Margolis moved that the rules be waived and that a bill relating to gross receipts tax be introduced.

The motion and bill were referred to the Committee on Rules and Calendar pursuant to Rule 4.6.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Beard, the rules were waived and by two-thirds vote SB 854 was withdrawn from the Committee on Transportation.

SPECIAL ORDER, continued

CS for SB's 923, 836, 1081 and 884—A bill to be entitled An act relating to education; defining "credit" for purposes of graduation requirements; amending s. 228.041, F.S.; defining "school day"; providing a definition of intensive English language instruction; requiring a credit in world geography for promotion to the ninth grade; requiring an approved program of study; amending s. 229.57, F.S.; providing for state-wide and district assessment programs; creating the Florida Language Proficiency Act; providing for funding for language instruction; amending s. 232.246, F.S.; providing standards for graduation from high school; requiring passage of a state test; amending s. 236.081, F.S.; providing for calculation of full-time equivalent memberships; amending s. 231.613, F.S.; authorizing college credit for inservice institute participation; amending s. 232.245, F.S.; providing standards for promotion from the

third, fifth, and eighth grades; providing for programs to reduce the number of dropouts; amending s. 236.088, F.S.; changing compensatory education eligibility requirements; providing testing criteria; authorizing dropout education programs; amending s. 229.053, F.S.; providing powers of the State Board of Education; requiring dropout reports; directing the State Board of Education to adopt parity standards for bilingual students; amending s. 229.512, F.S.; providing duties of the Commissioner of Education with respect to dropouts; creating s. 230.2314, F.S.; providing for teachers serving as advisors; amending s. 229.565, F.S.; providing for reading diagnostic evaluation; providing for an analyses of pupil progression; amending s. 231.615, F.S.; providing employment status and compensation of visiting school scholars; amending s. 236.089, F.S.; redefining student development services; amending s. 231.251, F.S.; providing conditions of employment for adjunct instructors; amending s. 231.532, F.S.; creating district quality school incentives programs; specifying the school as the unit for increasing student performance; authorizing the Quality Instruction Incentives Council to review and approve program plans; specifying program standards; deleting provisions for individual personnel incentives; providing a funds distribution procedure; requiring a procedure for selecting award winning schools; amending s. 236.081, F.S.; creating a cost factor for intensive English language instruction in the Florida Education Finance Program; establishing certain sections as the "Disadvantaged and Minority Student Educational Enhancement Act"; creating s. 230.2316, F.S.; establishing the Teachers-as-Tutors program; amending s. 231.17, F.S.; providing an additional certification requirement; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S.; relating to Florida Academic Scholars; amending s. 236.0811, F.S.; providing for multi-ethnic inservice training for teachers; creating s. 240.107, F.S.; providing definitions; amending s. 240.117, F.S.; providing conditions for college preparatory instruction offered in community colleges; providing an exception; creating s. 240.1171, F.S.; establishing a support services program for the college-level communication and computation skills testing program; amending s. 240.118, F.S.; providing for postsecondary feedback on bilingual students; creating s. 240.120, F.S.; authorizing a secondary and higher education sharing plan; providing for the sharing of faculty, facilities and equipment; creating s. 240.127, F.S.; establishing the college reach-out program; creating s. 240.128, F.S.; creating the college mentor work-study program; amending s. 240.209, F.S.; providing that recruitment of minorities be an additional criteria in the evaluation of university presidents; requiring the Board of Regents to prepare legislative budget request; requiring 50 percent of financial aid funds to be based on need; requiring review and approval of comprehensive plans for state universities; providing for the establishment of an academic advisement policy and pilot projects; amending s. 240.227, F.S.; providing for university budget request to be submitted to the Board of Regents; requiring universities to develop comprehensive plans; amending s. 240.235, F.S.; providing an amount for tuition and fees; creating s. 240.238, F.S.; requiring a plan to expand the university summer enrichment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.247, F.S.; providing for a minority recruitment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.311, F.S.; providing for an annual report from each community college; providing guidelines; providing for distribution of reports; requiring the State Board of Community Colleges to adopt rules relating to salary and benefit policies and travel by community college officials and employees; providing for the development of rules regarding outside employment policies for community college full-time personnel; providing for the development of an educational training program for members of boards of trustees; providing for an annual administrative review of each community college to identify any disproportionate administrative costs; providing for review and approval of courses offered by a community college outside of its district; authorizing the establishment of direct support organizations; providing for approval of comprehensive plans for community colleges; directing the State Board of Community Colleges to coordinate and assist community colleges in providing support instruction for the college-level communication and computation skills testing program; amending s. 240.313, F.S.; providing for mileage of board members; amending s. 240.319, F.S.; relating to community college boards of trustees; providing that recruitment of minority faculty and administrators be an additional criteria in the evaluation of community college presidents; requiring that salaries and benefits of employees and contracts with the president conform to rules of the state board; requiring reporting of inventory and security of property; requiring reporting of out-of-state travel expenses of administrative staff and faculty; requiring a reporting of the names of persons receiving certain motor vehicles; requiring development and submission of compre-

hensive plans; providing for rules of community college boards of trustees to be submitted to state board of community colleges for approval; amending s. 240.335, F.S.; providing for a minority recruitment program; amending s. 240.35, F.S.; directing the state board of community colleges to establish matriculation and tuition fees for certain categories; requiring 50 percent of financial aid funds to be based on need; providing certain conditions; providing that rules of community college boards of trustees be submitted to the state board for approval; amending s. 240.323, F.S.; providing that the State Board of Community Colleges may prescribe content and custody of student records; amending s. 240.325, F.S.; requiring the State Board of Community Colleges to prescribe minimum standards, definitions, and guidelines; amending s. 240.327, F.S.; providing that the construction of community college facilities be in accordance with chapter 235, F.S., and the rules of the State Board of Education and the State Board of Community Colleges; amending s. 240.331, F.S., relating to direct-support organizations; providing for release of certain information; providing restrictions upon contracts and agreements for purchase or sale; providing for expenditure approval and reporting; amending s. 240.335, F.S.; requiring the boards of trustees of community colleges to include, in their reports to the state board on their programs to eradicate discrimination in employee salaries, provisions to give equal pay for equal work; amending s. 240.337, F.S.; providing that rules of the State Board of Community Colleges shall prescribe the content and custody of limited access records of employees of community colleges; amending s. 240.339, F.S.; providing that contracts with staff be as established by rule of the State Board of Community Colleges; amending s. 240.347, F.S.; providing that moneys in the State Community College Program Fund shall be distributed as established by law and regulations of the State Board of Education and the State Board of Community Colleges; creating s. 240.362, F.S., prohibiting certain expenditures; amending s. 240.404, F.S.; providing for certain students to continue to receive state financial assistance; amending s. 240.409, F.S.; extending the time allowed for students to receive an award; amending s. 240.424, F.S.; providing for a review and analysis of the impact of financial aid; creating s. 240.50, F.S.; establishing the Virgil Hawkins Fellowship Trust Fund; amending s. 228.072, F.S.; broadening the definition of "adult general education"; providing for service priorities and delivery; requiring that certain courses be evaluated and funded in separate categories; providing for the assessment of student fees; amending s. 228.074, F.S.; changing the length of terms of lay members of regional coordinating councils for vocational education, adult education, and community instructional services; amending s. 228.075, F.S.; requiring regional coordinating councils to compile certain information; authorizing district school boards or community college boards of trustees to contract to provide certain vocational education programs or facilities; creating s. 229.556, F.S.; providing legislative intent regarding a uniform coordinated system of vocational education; creating s. 229.557, F.S.; providing for a vocational education management information system; creating s. 229.558, F.S.; providing vocational education reporting requirements; amending s. 229.551, F.S.; providing for the Department of Education to evaluate public vocational education programs; providing criteria for ineligibility of such programs for state funding; providing for an automated system to match the social security numbers of persons completing vocational programs with Unemployment Insurance Wage Reports and Workers' Compensation Reports; requiring the State Board of Education to adopt rules relating to the transfer of course credit from proprietary to public vocational programs; creating s. 229.559, F.S.; establishing the Florida State Advisory Council for Vocational Education; amending s. 240.355, F.S.; expanding requirements for the content of rules related to community college comprehensive vocational education programs; creating s. 240.410, F.S.; creating the State Vocational Education Grant Fund; providing eligibility standards for grantees and for participating institutions; providing for renewal, transferral, payment, and refund of grants; providing restrictions on participants; providing for a feasibility study of a "Student Choice -- Postsecondary Vocational Program"; amending s. 230.645, F.S.; establishing guidelines for establishing postsecondary vocational fees and restricting fee waiver; providing for vocational student financial aid; amending s. 240.60, F.S.; expanding the eligibility for the college career work experience program and amending the employer's percent-wage requirement; amending s. 240.601, F.S.; allowing certain graduate students to be in the work experience program; providing for a feasibility study of state postsecondary accreditation; amending s. 231.62, F.S.; amending "critical teacher shortage area" to delete high priority location areas; amending s. 240.4064, F.S.; allowing critical teacher shortage tuition reimbursement for a specified number of hours per term; creating the Critical Teacher Shortage Trust Fund; amending s. 240.4062, F.S.; deleting certain extra credit for payment for teacher scholarship loans; creating s. 240.116, F.S.;

allowing certain proprietary educational institutions to participate in the statewide common course numbering system; creating the Adult Literacy Act; stating the goal of the act; providing for the administration, evaluation, and funding of literacy instruction; amending s. 20.15, F.S.; establishing the Division of Vocational, Adult, and Community Education; creating the Latin American and Caribbean Basin Scholarship Program; establishing the Department of Education direct-support organization, a not-for-profit corporation organized and established to receive, hold, invest, and administer property and make expenditures for the benefit of public prekindergarten through 12th-grade education; allowing such organization to use property, facilities, and personal services of the department, subject to rules adopted by the State Board of Education; providing for a board of directors and annual audits to be reviewed by the Auditor General and the State Board of Education; exempting certain organization records from ch. 119, F.S.; creating s. 231.172, F.S.; establishing an experimental alternative certification program for secondary education teachers; providing certification requirements; amending s. 231.17, F.S.; providing certain education requirements for certification of elementary school teachers; modifying the current teacher certification examination to include the College Level Academic Skills Test in certain circumstances, to upgrade the professional skills part of the examination, and to include a specific subject area test; requiring the Department of Education to report on the impact of modifications to certification requirements; amending s. 231.545, F.S.; revising the makeup of the Education Standards Commission; amending s. 231.546, F.S.; requiring such commission to recommend certain new standards to the State Board of Education; amending s. 240.245, F.S.; requiring the Board of Regents to establish a system for evaluating a faculty members' service to public schools; creating s. 240.1175, F.S.; requiring assessment of the basic skills of vocational students; providing an effective date.

—was read the second time and amended on May 23 and retained on second reading after being engrossed.

Senator Gordon moved the following amendments which were adopted:

Amendment 82—On page 45, line 11, after "(4)" insert: *and provision for distributing awards within the district in proportion to the number of elementary schools, middle schools, junior high schools, and high schools in the district*

Amendment 83—On page 87, line 1, strike "*section 59 of this act*" and insert: *s. 228.072*

Senator Meek moved the following amendment which failed:

Amendment 84—On page 89, line 4, strike "25" and insert: 50

Senator Grant moved the following amendments which were adopted:

Amendment 85—On page 89, line 30, after the period (.) insert: *Rules can only be developed to waive fees when it is necessary to assure students a vocational education opportunity who have documented financial needs which cannot be met by existing sources of student financial aid.*

Senator Crawford presiding

Amendment 86—On page 120, strike all of lines 10-12 and insert: *except as authorized by rules of the State Board of Education. Rules can only be developed to waive fees when it is deemed necessary to assure students a vocational education opportunity who have documented financial needs which cannot be met by existing sources of student financial aid.*

Senator Gordon moved the following amendment which was adopted:

Amendment 87—On page 160, between lines 18 and 19, insert:

Section 115. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one-half credit in vocational education as provided in s. 232.246(1)(b)8.

Senator Castor moved the following amendment which was adopted:

Amendment 88—On page 160, between lines 18 and 19, insert:

Section 115. Florida resources in international education.—

(1) **SHORT TITLE.**—This act shall be known and may be cited as the "Florida Resources in International Education Act of 1984."

(2) **ESTABLISHMENT.**—The Department of Education shall establish and maintain an information network of international education resources in Florida's public and private educational institutions and develop policies, practices, and activities in consultation with the Department of Commerce to promote, attract, and assist international commerce in Florida.

(3) **ADMINISTRATION.**—The Department of Education shall staff and administer this program with funds provided by the Legislature for this purpose. The State Board of Education is authorized to adopt any rules necessary to implement the provisions of this act.

(4) **DUTIES.**—The Department of Education in consultation with the Department of Commerce shall carry out the following duties and responsibilities:

(a) **Resource identification.**—

1. Establish and maintain an information clearinghouse for international education resources in public and private educational institutions in Florida.

2. Establish, maintain, and disseminate a directory of international education resources in Florida.

3. Communicate and cooperate with all appropriate agencies and departments of the Federal Government and other nations, and with all appropriate agencies and departments of the State of Florida and other states, to provide public and private educational institutions in Florida with current information regarding activities, programs, and opportunities in international education and international commerce.

4. Assist public and private educational institutions in Florida in the establishment of cooperative programs in international education and international commerce.

5. Assist public and private educational institutions in Florida in the location, preparation, and submission of cooperative applications for monetary grants from the Federal Government and from the private sector to promote, attract, and advance international education and economic development in Florida.

6. Assist public and private postsecondary educational institutions in Florida in the establishment of student and faculty exchange programs and student-abroad programs.

(b) **International education and international business liaison.**—

1. Develop programs whereby businesses in Florida can better utilize the state's international education resources to participate in international markets and programs which will assist businesses outside of Florida to utilize the state's international education resources to establish an international business presence in Florida.

2. Develop programs to facilitate the participation, when appropriate, of students and faculty in Department of Commerce workshops and in international trade missions.

3. Assist postsecondary educational institutions in Florida in the development of programs for undergraduate and graduate internships in international commerce.

4. Assist postsecondary educational institutions in Florida in the development of programs whereby persons engaged in international commerce can participate in the formulation and instruction of international education programs.

5. Cooperate with local and international chambers of commerce, world trade associations, and other private and public entities to attract funds for assistance programs for international students studying business-related programs at postsecondary educational institutions in Florida.

(c) **Policy development, research, and analysis.**—

1. Sponsor local, regional, and statewide seminars, workshops, or conferences involving educators, international business persons, and public officials to develop strategies aimed at increasing communication and cooperation between these sectors.

2. Conduct a feasibility study regarding the establishment in Florida of an international education and business center for the continuing study of policies, issues, and events affecting international education and international commerce.

(5) **ADVISORY COUNCIL.**—There is created the Florida Council on International Education and Commerce to advise the Department of Education in the fulfillment of the requirements of this act. The council shall be composed of nine members including the Secretary of State or his designee, the Commissioner of Education or his designee, the Secretary of Commerce or his designee, three members appointed by the Commissioner of Education representing public and private universities and community colleges in the state, and three members appointed by the Governor representing international businesses in this state. The Commissioner of Education shall call the first meeting at which time a chairperson shall be elected, such chairperson to serve for a term of 4 years. Members shall be appointed for 4-year staggered terms and any vacancy shall be filled by the same manner as appointment.

(6) **GRANTS, GIFTS, DONATIONS.**—The Commissioner of Education shall accept grants, gifts, donations, expenses, in-kind services, or other valued goods or services when carrying out the purposes of this act.

(7) **ANNUAL REPORT.**—The Commissioner of Education shall provide to the State Board of Education, the Legislature, and the Secretary of Commerce an annual report on March 1 of each year setting forth in appropriate detail the accomplishments of the Department of Education in carrying out the requirements of this act during the preceding year.

Section 116. Subsection (5) of section 115 of this act is repealed on October 1, 1994, and the Florida Council on International Education and Commerce shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes, the Sundown Act.

(Renumber subsequent sections.)

Senator Gordon moved the following amendments which were adopted:

Amendment 89—On page 160, between lines 18 and 19, insert:

Section 115. Subsection (3) is added to section 232.23, Florida Statutes, to read:

232.23 Procedures for maintenance and transfer of pupil records.—

(3) *Acceptance of transfer work and credit for pupils shall be prescribed by rules of the State Board of Education.*

(Renumber subsequent section.)

Amendment 90—On page 160, between lines 18 and 19, insert:

Section 115. Subsection (2) of section 240.1201, Florida Statutes, is amended to read:

240.1201 Residency requirements; public postsecondary education.—

(2) Effective fall semester, 1984, classification as a Florida resident shall be granted as follows:

(a) To any minor student whose parent, parents, or legal guardian has legal domicile in and has resided in this state for 12 months immediately preceding the student's enrollment.

(b) To any emancipated minor student or adult student who has resided in this state for 12 months immediately preceding the first day of classes of the term in which the student wishes to be classified as a Florida resident. However, any period of time in which the student resides in this state primarily for educational purposes may not be counted towards residency status.

(c) *Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries one who later becomes a legal resident, may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.*

(d) *No person shall lose his or her resident status for tuition purposes solely by reason for serving in the armed forces outside this state.*

Senator Hair moved the following amendments which were adopted:

Amendment 91—On page 83, line 25, strike “, for approval,”

Amendment 92—On page 92, between lines 19 and 20, insert:

(f) *promotional and other public events in support of the college.*

Amendment 93—On page 159, line 28, after “operate” insert: from auxiliary funds

Amendment 94—On page 160, line 1, after “operate” insert: from auxiliary funds

Amendment 95—On page 160, line 9, after “operate” insert: from auxiliary funds

Senator Gordon moved the following amendments which were adopted:

Amendment 96—On page 160, strike all of lines 20 and 21 and insert: a law, except that section 13 shall take effect for the 1985-1986 school year and sections 10 and 28 shall take effect July

Amendment 97—On page 57, strike all of lines 7 and 8 and insert:

Section 25. Sections 26, 27, 28, 30, 31, 32, 33, 34, 37, 38, 39, 41, 42, 44, 45, and 46 of this act may be cited

Amendment 98—On page 21, line 27, strike “232.246(1)(b)(a)” and insert: 232.246(1)(b)9

Amendment 99—On page 85, line 1, strike “(33)” and insert: (3)

Amendment 100—In title, on page 12, lines 27-31, and on page 13, lines 1-7, strike all of said lines and insert: colleges;

Amendment 101—In title, on page 13, line 12, after the semicolon (;) insert: authorizing the Chipola Junior College to operate a certain dormitory for the purpose of housing students; authorizing the college and the dormitory authority to enter into agreements for that purpose; validating past agreements; authorizing Lake City Community College to operate certain dormitories for the purpose of housing students; authorizing the college to enter into agreements for that purpose; validating past agreements;

Amendment 102—In title, on page 11, line 14, after “students;” insert: amending s. 236.013, F.S.; amending the definition of a “full-time equivalent student”; amending s. 242.62, F.S.; providing for appropriation to the first accredited medical school;

Amendment 103—In title, on page 12, strike all of lines 19-23 and insert: repealing s. 246.128, Florida

Senators Weinstein, Frank, McPherson, Stuart, Dunn, Jenne and W. D. Childers offered the following amendment which was moved by Senator Weinstein and failed:

Amendment 104—On page 44, line 1, strike all language through page 53, line 15 (Quality Schools Incentive Program)

The vote was:

Yeas—11

Childers, W. D.	Girardeau	Rehm	Thurman
Dunn	Grizzle	Stuart	Weinstein
Frank	McPherson	Thomas	

Nays—28

Mr. President	Deratany	Hill	Margolis
Barron	Fox	Jenne	Meek
Beard	Gersten	Jennings	Myers
Carlucci	Gordon	Johnston	Neal
Castor	Grant	Kirkpatrick	Plummer
Childers, D.	Hair	Langley	Scott
Crawford	Henderson	Mann	Vogt

Vote after roll call:

Yea to Nay—Thomas

On motion by Senator Gordon, by two-thirds vote CS for SB's 923, 836, 1081 and 884 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gersten	Johnston	Scott
Barron	Girardeau	Kirkpatrick	Stuart
Beard	Gordon	Mann	Thomas
Carlucci	Grant	Margolis	Thurman
Castor	Hair	Meek	Vogt
Childers, D.	Henderson	Myers	Weinstein
Crawford	Hill	Neal	
Dunn	Jenne	Plummer	
Fox	Jennings	Rehm	

Nays—5

Childers, W. D.	Frank	Langley
Deratany	Grizzle	

Senator Barron moved that the rules be waived, and a bill relating to the Medical Incident Compensation Study Commission be introduced.

The motion and bill were referred to the Committee on Rules and Calendar pursuant to Rule 4.6.

Senator Frank moved that the Senate reconsider the vote by which CS for SB's 923, 836, 1081 and 884 passed this day.

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for SB 875, SJR 610, CS for CS for SJR 612, CS for SB 712, SB 1065, SB 227 and SR 1140 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Jennings, the rules were waived and by two-thirds vote CS for SB 461 and CS for SB 463 were withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SB 727 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Margolis, the rules were waived and by two-thirds vote SB 304 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Thomas, the rules were waived and by two-thirds vote SB 445 was withdrawn from the Committee on Commerce.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 62 was withdrawn from the Committee on Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote SR 1143 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

SR 1143—A resolution commending Robert Quarles Marston upon his retirement as President of the University of Florida.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—37

Mr. President	Gersten	Johnston	Rehm
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Carlucci	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jenne	Neal	
Fox	Jennings	Plummer	

Nays—None

On motion by Senator Kirkpatrick, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1317 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Martin and Mills—

HCR 1317—A concurrent resolution honoring Dr. Robert Quarles Marston, the President of the University of Florida, for his many achievements.

—was read the first time in full. On motions by Senator Kirkpatrick, by two-thirds vote HCR 1317 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jenne	Neal
Barron	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Kirkpatrick	Stuart
Childers, W. D.	Grant	Langley	Thomas
Crawford	Grizzle	Mann	Thurman
Deratany	Hair	Margolis	Vogt
Dunn	Henderson	Meek	Weinstein
Fox	Hill	Myers	

Nays—None

Senator Kirkpatrick escorted Dr. and Mrs. Marston to the rostrum where he was presented a copy of SR 1143.

Senator Frank previously moved that the Senate reconsider the vote by which CS for SB's 923, 836, 1081 and 884 passed.

Senator Gordon moved that the rules be waived and the Senate immediately reconsider the vote by which CS for SB's 923, 836, 1081 and 884 passed.

By unanimous consent Senator Frank withdrew the motion to reconsider and by unanimous consent changed her vote from yea to nay in the original roll call on CS for SB's 923, 836, 1081 and 884.

The question recurred on the motion by Senator Gordon and the Senate refused to reconsider.

On motion by Senator Gordon, the rules were waived and CS for SB's 923, 836, 1081 and 884 after being engrossed was ordered immediately certified to the House.

ENROLLING REPORTS

Senate Concurrent Resolutions 886, 984 and 1063 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 24, 1984.

Joe Brown, Secretary

Senate Bills 219, 346, 362, 466, 474, 531, 870, CS for SB 425 and CS for SB 427 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 24, 1984.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 23 was corrected and approved.

CO-INTRODUCERS

Senator Fox—SJR 570, SB 625; Senator Hair—SB 598;

ADJOURNMENT

The Senate adjourned at 5:24 p.m. to reconvene at 2:00 p.m., Monday, May 28.